

216.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32656-2020

Date of decision: 14.12.2020

SONIA

.... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manoj Kumar Sharma, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab,
for respondent No.1.

Mr. H.P.S. Ishar, Advocate,
for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439(2) of Cr.P.C. is for cancellation of anticipatory bail granted to respondent Nos.2 to 4 vide order dated 28.09.2020 (Annexure P-3) passed by the learned Judge Special Court, SAS Nagar (Mohali), in case FIR No.149, dated 04.09.2020 registered under Sections 323, 341, 506, 354, 354-A, 354-B, 34 of IPC at Police Station Phase-1, District SAS Nagar (Mohali).

At this stage, counsel appearing on behalf of respondent Nos.2 to 4 has apprised this Court that in FIR No.149 (supra), challan has already been presented on 22.10.2020 and charges have been framed on 26.11.2020.

The accused are on bail and the case is now fixed for PWs on 18.01.2021.

I have heard learned counsel for the parties.

Considering the fact that trial in the case is already in process and the case is fixed for PWs on 18.01.2021, no case for cancellation of bail is made out. Moreover, the parameters of granting bail and cancellation of the same are all together different. The Hon'ble Apex Court in ***Dolat Ram and others Versus State of Haryana, (1995) 1 SCC 349*** has held that the bail granted to the accused should not be cancelled in a mechanical manner. The observation made by the Hon'ble Apex Court in ***Dolat Ram's*** case (*supra*) reads as under:-

“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the

distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.”

In view of the above, no case for interference is made out.

The present petition is, accordingly, dismissed.

(HARI PAL VERMA)
JUDGE

14.12.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No