

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

(Heard through VC)

CRM-M-39363 of 2020 (O&M)
Date of Decision: November 27, 2020

Rahamadin Shekh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amandeep Rana, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 439(2) read with Section 482 of Cr.P.C. for cancellation of bail in case FIR No.371 dated 01.11.2019, registered at Police Station Shushant Lok, District Gurugram under Sections 363, 366-A of Indian Penal Code (Section 6 of POCSO Act and Section 376(2)(n) of IPC added later on), which was allowed to respondent No.2 by an order dated 28.09.2020 by the Addl. Sessions Judge, Gurugram.

Notice of motion to respondent No.1-State only.

At this stage, Ms. Deepshikha Chauhan, AAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of respondent No.1-State.

In brief, the facts of the case are that the aforesaid FIR has been got registered by the petitioner on the ground that his minor elder daughter has been enticed away by respondent No.2 herein. During the course of investigation, the girl child was recovered from the custody of respondent No.2 and respondent No.2 was also arrested. By an order dated 28.09.2020, bail had been allowed to respondent No.2 by the Addl. Sessions Judge, Gurugram. Now, the petitioner is seeking the cancellation of bail that has been allowed to respondent No.2.

Counsel for the petitioner would argue that the family of respondent No.2 approached the petitioner to accept the victim as well as the child born, to whom the victim gave the birth, as such, considering the future of his girl, the petitioner agreed not to oppose the bail application of respondent No.2. Therefore, regular bail had been allowed to respondent No.2 by the trial court by an order dated 28.09.2020. It is contended that after the bail had been allowed to respondent No.2, his family denied to accept the victim as well as the child and backed out from the terms and conditions of the compromise entered into between the petitioner and father of respondent No.2.

I have heard learned counsel for the parties.

A perusal of the order dated 28.09.2020 passed by the trial court, by which regular bail had been allowed to the petitioner, would reveal that the bail had been allowed by the trial court on merits and nothing regarding the aforesaid compromise entered into between the petitioner and father of respondent No.2 has been mentioned therein. Even otherwise, if the petitioner and father of respondent No.2 entered into a compromise and

in any case, respondent No.2 is backing out of the same, it would not be a ground for this court to cancel the bail, which had been allowed to respondent No.2. When a person to whom bail has been granted either tries to interfere with the course of justice or attempts to tamper with the evidence or witnesses or threatens witnesses or indulge in similar activity, which would hamper smooth investigation of trial, is a ground for cancellation of bail. In this regard, this court relies upon judgment rendered by the Supreme Court in *Manjit Prakash and others vs. Shobha Devi and another*, 2008(3) RCR (Criminal) 768.

In view of the above, this court finds no ground to cancel the bail, which had been allowed to respondent No.2 by the trial court. Accordingly, the instant petition is hereby dismissed.

November 27, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No