

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

CRM-M-40206 of 2020.

Decided on:- December 04, 2020.

Dilbag Singh.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Mr. Ranvir Arya, Addl. A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for cancellation of regular bail granted to respondent No.2 vide order dated 09.07.2020 passed by learned Additional Sessions Judge, Rewari in FIR No.106 dated 22.04.2020 under Section 304-B IPC registered at Police Station Kosli, District Rewari.

Learned counsel for the petitioner has argued that learned Court below has not considered the gravity of the offence and granted the concession of regular bail to the respondent No.2 in very casual manner. Learned Court below has committed a grave misuse of discretionary powers while granting regular bail to respondent No.2, who has already faced a trial under Section 304-B IPC with regard to the death of his first wife.

He has further contended that learned Court below has not considered the provisions of Section 113-A of Indian Evidence Act, 1872 in the right perspective and wrongly granted regular bail to respondent No.2, which is liable to be cancelled.

I have heard learned counsel for the parties.

The parameters of granting bail and cancellation thereof are entirely different.

In ***Dolat Ram and others Versus State of Haryana (1995) 1 SCC 349***, Hon'ble Supreme Court has held that the bail granted to the accused should not be cancelled in a mechanical manner. The relevant observations made by Hon'ble Supreme Court read 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 and considering the law laid down in ***Dolat Ram and others’ case (supra)***, this Court finds that the prayer for cancellation of regular bail granted to respondent No.2 cannot be accepted.

The present petition is, accordingly, dismissed.

December 04, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No