

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

CRM-M-43625-2020

Date of Decision:23.12.2020

Maya Devi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Dinesh Kumar Prajapati, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. is for cancellation of anticipatory bail granted to respondent No.2 vide order dated 01.08.2018(Annexure P-1) passed by this Court in FIR No.716 dated 29.07.2017 under Sections 406, 420, 467, 468, 471, 506, 34 IPC, registered at Police Station City Hisar.

Learned counsel for the petitioner submits that respondent No.2 has obtained bail by concealing the true facts. Respondent No.2 has submitted before this Court that out of total amount of Rs.3,70,000/-, an amount of Rs.2 lakhs has been deposited in the name of Shanti Devi with Tata Life Insurance Company and the remaining amount was paid to her in cash. He further submits that on enquiry, it came to know that out of Rs.2,04,000/-, Rs.1,10,000/- was withdrawn by respondent No.2 from Tata Life Insurance Company by using fake signature on the vouchers.

Heard learned counsel for the petitioner.

The Hon'ble Apex Court in *Dolat Ram and others Versus State of Haryana (1995) 1 SCC 349*, has observed 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 nonbailable case in the first instance and the cancellation of bail already granted.”

There is no dispute with regard to the proposition of law as laid down by Hon'ble the Supreme Court. The consideration for the cancellation of bail is totally different than the one for granting the bail. Such considerations should be weighty and strong, leaning towards the

prosecution and the injuries suffered by the aggrieved party.

No material or circumstance has been brought to the notice of this Court, which could be a ground to cancel the bail. There is no allegation that respondent No.2 has influenced the process of the Court or intimidated the petitioner.

In this circumstances, no case for interference is made out.

Dismissed.

December 23, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No