

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CRM-M-2326-2021

Date of Decision:18.01.2021

Jagdeep Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

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 the Code of Criminal Procedure is for cancellation of pre-arrest bail granted to respondent No.2 vide order dated 14.12.2020(Annexure P-1) passed by learned Additional Sessions Judge, SBS Nagar in FIR No.66 dated 27.10.2020 under Sections 354-D, 506, 509, 354, 354-A IPC, registered at Police Station Mukandpur, District SBS Nagar.

As per the FIR, the respondent No.2 and the complainant-Jagdeep Kaur are residents of the same village and the petitioner was having good relations with her. He posted/uploaded certain photographs of the complainant on social media site without her consent. He assured the complainant not to repeat the similar offence, but nothing has been changed and rather, he crossed the limit by uploading such kind of obscene and

personal photographs with the intention to harass the complainant and to spoil her married life.

The parameters of grant of bail and cancellation of bail are altogether different as held by the Hon'ble Apex Court in **Dolat Ram and others Versus State of Haryana (1995) 1 SCC 349**, wherein it was 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.”

In view of the law laid down in *Dolat Ram's* case(supra), no case for interference is made out.

The present petition is, accordingly, dismissed.

January 18, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No