

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

103

CRM-M-5557-2021

Date of Decision: 08.02.2021

Niranjan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Rubal Garg, 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 this petition filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. is for cancellation of anticipatory bail of respondent No.2 and 3 granted by learned Additional Sessions Judge, Patiala vide order dated 04.01.2021 (Annexure P-3) in FIR No.213 dated 26.10.2020 under Sections 447, 511, 336, 379, 323, 148, 149, 506 IPC, registered at Police Station Sadar Patiala.

Learned counsel for the petitioner has argued that investigation in the case has not properly been conducted and the offence under Section 307 IPC has not been added in the case.

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 nonbailable case in the first instance and the cancellation of bail already granted.”

As regards the argument raised by learned counsel for the petitioner that investigation in the case has not been conducted properly, the petitioner is at liberty to have the recourse of law.

In view of the law laid down in ***Dolat Ram's*** case (supra), no case is made out. The present petition is, accordingly, dismissed.

February 08, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No