

120.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6654-2021

Date of decision:12.02.2021

VARISH BHAN

.... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ravi Malik, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439(2) of Cr.P.C. is for cancellation of bail, pending appeal, granted to respondent No.2-Jaivinder, vide order dated 05.01.2021 (Annexure P-2) passed by the learned appellate Court, in case CRA-159/2018 titled as Jaivinder Versus Varish Bhan and another in complaint NACT 36/2016, dated 10.03.2016/26.03.2016.

Heard.

The parameters of granting bail and cancellation of the same are entirely different.

The Hon'ble Apex Court in ***Dolat Ram and others Versus State of Haryana, (1995) 1 SCC 349*** has been 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:-

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, no case for interference is made out.

The present petition is, accordingly, dismissed.

(HARI PAL VERMA)
JUDGE

12.02.2021

sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No