

In virtual Court

CRM-M-30813-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30813-2018 (O&M)
Date of decision: 19.08.2021

Vijay Kumar

... Petitioner

Vs.

Jai Bharat and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Rajiv Kumar Sharma, Advocate
for respondent No.1.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for cancellation of anticipatory bail granted to respondent No.1 by the Additional Sessions Judge, SAS Nagar (Mohali) vide order dated 27.03.2018, in FIR No.256 dated 29.12.2017 under Sections 406/420 IPC, registered at Police Station Lalru, District SAS Nagar (Mohali).

Brief facts of the case are that FIR was registered on the statement of Vijay Kumar with the allegations that the accused is owner of a brick company and had taken earth from land of the complainant, but not paid the

agreed amount, therefore, the accused has cheated him.

The Additional Sessions Judge, SAS Nagar (Mohali), while granting bail to the petitioner took notice of the fact that it is not a case where custodial interrogation of the accused is required, as primary dispute is regarding non-payment of the agreed amount for the earth removed from the land of the complainant and it appears to be a civil dispute. Accused-respondent No.1 was granted anticipatory bail on the ground that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and will not leave India without prior permission of the trial Court.

Learned counsel for the petitioner has submitted that the Additional Sessions Judge wrongly granted the concession of anticipatory bail to respondent No.1-accused on the premise that it is a civil dispute, whereas the accused has cheated the petitioner. It is further submitted that in order to bring the truth, custodial interrogation of accused-respondent No.1 is necessary, as some investigation report has come in this regard.

In reply to a Court query regarding stage of the trial, it is submitted that the case is pending before the trial Court.

Perusal of grounds taken in para No.13 of the application reveals that neither the accused has misused the concession of anticipatory bail nor travelled abroad in violation of the order granting bail to him. He has neither extended any threat to the prosecution witnesses nor tried to influence them.

Even the order was passed way back on 27.03.2018; a period of more than 03 years and 05 months has passed and in the absence of any

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allegation that the accused has misused the concession of anticipatory bail, I find no ground to cancel the same.

Accordingly, the present petition is dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

19.08.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No