

207

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

CRM-M-18733-2020
Date of Decision: 22.04.2021

Gurdev Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Onkar Singh Batalvi, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. AG, Punjab.

Mr. Dhirender Chopra, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed under Section 439(2) of the Cr.P.C. for cancellation of the regular bail granted to respondent No.2- Parvinder Singh, who is accused in FIR No.343, dated 22.11.2019, under Section 306 & 498-A of the IPC, registered at Police Station Bhawani Garh, District Sangrur.

2. It may be mentioned that the said respondent was granted regular bail by this Court on 16.06.2020 in CRM-M-13413-2020, vide order at Annexure P-2, after he had remained in detention for almost 7 months and in the backdrop of the fact that no witness from the prosecution side had been examined till that date.

3. The present petitioner, who happens to be the complainant in the original FIR, has sought cancellation of such regular bail by contending that after being released on bail, the respondent No.2 had allegedly

“threatened him” and asked him not to pursue the matter. In this connection, the exact averments made by the complainant in the present petition are set out as below:-

“7. That the regular bail was granted by this Hon'ble Court the petitioner came to the village of complaint/petitioner and threatened him and further asked him not to pursue the matter as now he has been released on bail and case will take a long time in court and moreover you will get nothing out of it, compromise the matter with me and take some money. Regarding this the complainant/petitioner moved a complaint to the concerned Police Station of Urban Estate Patiala, District Patiala which is annexed herewith as Annexure P-3. But no action or FIR has been recorded by the concerned Police Station.”

4. It is noteworthy that in the above averments, the complainant has not given any indication as to when or on which date the respondent had visited the petitioner's village or threatened him.

5. Perusal of Annexure P-3, which, however, happens to be the actual complaint submitted by the complainant in the Police Station Urban Estate Patiala, goes to suggest that the above incident happened on 17.06.2020, as he had mentioned as follows therein:-

“That Parvinder Singh applied for regular bail and was granted regular bail on and he came out of District Jail Sangrur on 17.06.2020 and Parvinder Singh came to my village and threatened me and further asked me not to pursue the matter now as I have been released on bail and case will take long time in court and moreover you will get nothing, compromise the matter with me. Otherwise, I know how to deal with you people.”

6. It would, therefore, appear that according to the complainant, the petitioner had come out of District Jail, Sangrur on 17.06.2020 and thereafter gone to the petitioner's village and allegedly threatened him. From the Reply filed on behalf of the State, and more particularly Annexure R-1, which happens to be the Prisoner Detail pertaining to respondent No.2, it transpires that he was actually released from jail in Sangrur one day after the date claimed by the complainant, i.e., 18.06.2020 and not on 17.06.2020. It is also noteworthy that in his subsequent complaint made to the Police Station, the complainant did not even specify the particular date or time on which respondent No.2 had allegedly come and threatened him, even though undisputedly the complainant himself happens to be a Police Officer.

7. In this view of the matter, this Court finds no substantive merit in the prayer made by the complainant for cancellation of the bail already granted to respondent No.2, which would, therefore, appear to be on account of grudge nursed against the accused by the complainant following his sister's death.

8. The present petition is, therefore, dismissed. The petitioner, however, is still at liberty to seek cancellation of the respondent's bail in future if he can show tangible and verifiable details in the event of his being subjected to any threatening or undue influence at the instance of respondent No.2 at any time in future.

22.04.2021*Bhumika***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No