

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

(Sr. No. 204)

CRM-M No.42254 of 2018

Date of decision : 27.10.2021

Om Parkash

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms. Samridhi Sareen, Advocate for the petitioner.
Mr. Rahul Mohan, DAG, Haryana.
Mr. Sunil Panwar, Advocate for respondents No.2, 3 and 6.
None for respondents No.4 and 5.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

A double storey Dharamshala was constructed in front of the deceased's shop in which a window was opened by respondents No.2 to 6 and in this process a portion of the deceased's shop was sought to be broken. The deceased protested but when such protests were not responded to, he committed suicide but before doing so, he held respondents No.2 to 6 to be responsible for the same.

Respondents No.2 to 6 were granted anticipatory bail by the Trial Court which, through the instant petition, filed under Section 439(2) Cr.P.C. is sought to be cancelled.

Learned counsel for the petitioner submitted that the anticipatory bail granted to respondents No.2 to 6 was liable to be cancelled because before granting the same, the Trial Court had ignored the contents of the deceased's suicide note as also the statement made by him to the police before he committed suicide, in both of which respondents No.2 to 6 had specifically been blamed for his suicide.

Rejection of bail in non-bailable offence(s) at the initial stage and cancellation of bail already granted are required to be dealt distinctly. The considerations which may weigh with the Court to cancel the bail already granted are if the accused has tampered with the evidence or influenced witnesses, has interfered in the course of administration of justice or has evaded or attempted to evade the due course of justice or in any manner has abused the concession of bail granted to him. Bail may also be cancelled if the order granting the bail suffers from serious infirmities resulting in miscarriage of justice and if the Court while granting bail has ignored the relevant material on record or has taken into account irrelevant material. These considerations are inclusive and not exhaustive.

The argument by learned counsel for the petitioner that the contents of the alleged suicide note and the deceased's alleged statement made by him to the police before he committed suicide, were not considered by the Trial Court is misconceived since the FIR, which admittedly was duly considered by the Trial Court before it passed the impugned order, contains the deceased's entire statement allegedly made by him to the police before he committed suicide. The alleged suicide note is also on the same lines.

Further, respondents No.2 to 6 were granted anticipatory bail in August, 2018. Even after the passage of over three years there is not even a finger pointed against them for having misused the concession of bail granted to them. Half of respondents No.2 to 6's trial is also already over.

In view of the above, this Court is not inclined to cancel respondents No.2 to 6's anticipatory bail.

Dismissed.

27.10.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No