

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35110-2021 (O&M)
Date of Decision:- 27.10.2021

Navdeep Rai	Versus	 Petitioner
State of Punjab and another		... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Deipa Asdhir Dubey, Advocate, for the petitioner.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner Navdeep Rai/complainant has approached this Court seeking cancellation of bail, as granted to respondent No.2-Rahul Arora, vide order dated 23.6.2021 (Annexure P-3) passed by the Court of learned Additional Sessions Judge, SBS Nagar.
2. The FIR in question was lodged at the instance of the petitioner wherein it is alleged that on 2.4.2021 at about 4 pm. he received a call from his workers at his farm that the local Patwari had called him for demarcation of his land. However, the petitioner had never submitted any such application for getting the land demarcated. The petitioner found that the application made for demarcation had been sent under his name. The complainant specifically stated in the FIR that he had never submitted any such application and in fact had

never visited any Government Office/Seva Kendra in the area concerned since the last 7/8 years and had never entered the area of Balachaur, since the year 2013. The complainant alleged that the said application was apparently an attempt on behalf of some unscrupulous elements to encroach upon his land.

3. It is further the case of prosecution that upon inquiry, it was found that the application for demarcation had been submitted in the Seva Kendra, where the photograph of the applicant at the time of deposit of requisite fee was also clicked. Upon examining the said record particularly the photograph of the applicant, the applicant was identified by the petitioner's servant namely Arjun Singh, to be Rahul Arora.
4. Consequently, aforesaid Rahul Arora was arrested and was granted bail by the Court of learned Additional Sessions Judge, SBS Nagar vide order dated 23.6.2021.
5. Learned counsel for the petitioner submits that the trial Court fell in error in making observations regarding the conduct of the petitioner/complainant as regards his previous involvement in some other case and that in fact the Court fell in error in granting the bail to the petitioner and that there is apprehension that he will indulge in similar kind of offences or some other graver offence so as to cause harm to the petitioner.
6. I have considered the aforesaid submissions.
7. Needless to mention, it is a case based mainly on documentary evidence which is already with the police. The bail granted to the

petitioner cannot be cancelled on mere apprehensions. It is well settled that the consideration for grant of bail and for cancellation of bail are entirely different and that while it is easier to grant bail, it is difficult to cancel bail. There is no such ground to cancel bail of respondent No.2-Rahul Arora.

8. The petition sans any merit and the same is hereby dismissed.

27.10.2021
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No