

**109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-36914-2021
Date of decision-08.09.2021**

Pargat Singh **...Petitioner**
Vs.

State of Punjab and another **...Respondents**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sunil Kumar Bhoria, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 (2) Cr.P.C for cancellation of regular bail granted to respondent No.2, namely, Jaspreet Singh vide order dated 18.08.2021 (Annexure P-3) in case FIR No.116 dated 06.07.2020 registered under Sections 302 and 34 Indian Penal Code, 1860 at Police Station Sadar Khanna, District Ludhiana.

Learned counsel has argued that the accused-Jaspreet Singh was released on regular bail vide order dated 18.08.2021, however, on the said date of hearing, he could not produce the statement of Shri Pal son of Jagjiwan Singh (Annexure P-6) recorded by police during investigation of the case. According to him, the said witness clearly stated about the involvement of the accused persons in the crime, therefore, the impugned order deserves to be recalled and the bail granted to Jaspreet Singh be cancelled.

During the course of hearing, it is fairly conceded by learned counsel that the concession of bail extended to the accused has not been

misused by him, but the challenge to the bail order dated 18.08.2021 is being laid on merits.

After hearing learned counsel for the petitioner, this Court is of the opinion that the scope of exercise of jurisdiction under Section 439 (2) Cr.P.C is extremely limited and as the said concession has not been misused, this Court does not find any reason to interfere with the said order. Of course the order granting bail can also be challenged by aggrieved person on merits, but the said issue or ground can be raised before the higher court.

Apart from it, admittedly the statement of witness (Annexure P-6) was not before this Court when the bail was granted to accused on 18.08.2021, thus, now placing reliance upon this alleged piece of evidence, the complainant cannot seek recalling of the bail order particularly, when there is no misrepresentation on the part of the accused. Besides, a perusal of the statement of Shri Pal reveals that the same is signed by the witness, and is not recorded under Section 161 Cr.P.C.

Resultantly, no case is made out for cancellation of regular bail granted to respondent No.2.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

08.09.2021

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