

206 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
(through video conferencing)

Decided on : 15.02.2021

CRM-M-37165-2020 (O&M)

Gulshan Sachdeva

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CRM-M-39158-2020 (O&M)

Gulshan Sachdeva

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CRM-M-39621-2020 (O&M)

Gulshan Sachdeva

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Swati Rathi, Advocate
 for the petitioner.

Ms. Dimple Jain, AAG, Punjab.

Mr. Gautam Dutt, Advocate
for respondent No.2.

Manjari Nehru Kaul, J.

This order shall dispose off three petitions bearing CRM-M-37165, 39158 and 39621-2020 as they have arisen out of the same FIR. Brief facts of the case are taken from CRM-M-37165-2020.

Instant petition has been filed under Section 439(2) read with Section 482 Cr.PC for cancellation of regular bail granted to respondent

No.2 vide order dated 23.10.2020 (Annexure P-3) passed by Sessions Judge, Karnal in case FIR No.31 dated 20.01.2018 for the offences under Sections 323, 406, 420, 506 and 120-B IPC, 1860 registered at Police Station Butana, District Karnal.

Learned counsel for the petitioner contends that the Court below gravely erred in extending the concession of regular bail to respondent No.2 without appreciating and taking into account the serious and heinous nature of offences committed by him in FIR No.31 dated 20.01.2018 registered under Sections 323, 406, 420, 506 and 120-B IPC, 1860 at Police Station Butana, District Karnal. It has been further submitted that there were four other FIRs registered against respondent No.2 in the State of Haryana as well as State of Rajasthan and also a number of cases under Section 138 of Negotiable Instrument Act. It has also been submitted that since respondent No.2 had been threatening the petitioner, the concession of regular bail granted to him be cancelled.

Heard.

The power of cancellation of bail must be exercised with a great deal of circumspection and the Court should ordinarily look for intervening circumstances, which would reflect that the liberty which has been granted to the accused has been misused by him. No doubt, learned counsel has urged that respondent No.2 has been pressurizing and threatening the petitioner, however, on a pointed query put to learned counsel for the petitioner as to whether the threats, which were being extended to him, had been brought to the notice or reported to the police, learned counsel replied in the negative. Learned counsel has failed to bring

to the notice of this Court any violation of the conditions imposed by the trial Court while granting bail to respondent No.2 much less any supervening circumstances subsequent to the grant of regular bail to respondent No.2 which would warrant the acceptance of the prayer in the instant petition(s) for cancellation of bail.

Accordingly the present petition(s) stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

15.02.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No