

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

CRM-M-39941-2019
Decided on : 08.09.2021

Gurtej Singh

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.K.S.Phoolka, Advocate
 for the petitioner.

Mr. S.S.Deol, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439(2) Cr.PC for cancellation of bail granted to respondent No.2 in case FIR No.35 dated 13.03.2019 under Sections 302, 201, 34, 120-B IPC (Sections 306, 201, 34, 120-B IPC added and Section 302 IPC is deleted vide GD No.11 dated 02.07.2019) registered at Police Station Kotbhai District Bathinda.

Learned counsel for the petitioner *inter alia* contends that the order granting anticipatory bail to respondent No.2 has been passed by the trial Court without appreciating the serious allegations levelled therein by the complainant i.e. petitioner. Learned counsel further submits that despite the deceased, who happened to be the unmarried sister-in-law of respondent No.2, dying under mysterious circumstances, the investigating agency after colluding with the accused had challaned them only under Section 306 IPC and not under Section 302 IPC.

Heard and perused the material available on record.

The Courts should be most circumspect while cancelling the bail except of course where some evidence or material has been brought

forth that the accused had misused his liberty by interfering with the course of investigation and/or had been threatening witnesses and/or is trying to tamper with the evidence.

Learned counsel for the petitioner has failed to bring to the notice of this Court any such misconduct by the accused subsequent to the grant of anticipatory bail. Moreover, it cannot be said that the impugned order is perverse and has been passed by the Court below by ignoring any material or evidence on record. Just because the petitioner is aggrieved of manner in which the investigation was carried out by the investigating agency would not be a good enough reason to set aside the impugned order dated 22.07.2019 passed by the Court below.

In view of above, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

08.09.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No