

205

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

Date of Decision: 09.12.2021

1. CRM-M-44173-2020 (O&M)

Krishan Mittal and others

.. Petitioners

Vs.

State of Haryana and others

..Respondents

AND

2. CRM-M-38-2021 (O&M)

Krishan Mittal and others

.. Petitioners

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajinder Goyal, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Raghav Gulati, Advocate
for respondents No.2 and 3.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed these separate petitions under Section 439(2) Cr.P.C. for cancellation of pre arrest bail granted to respondent Nos.2 and 3 vide order dated 03.09.2020 (Annexure P-11) passed by Addl. Session Judge, Kaithal in a case FIR No.304 dated 29.07.2020, registered under Sections 406, 409, 420 and 506 IPC, 1860 at Police Station City Kaithal, District Kaithal.

During the course of hearing, it is not disputed by learned counsel for the petitioners that the complainant and the accused persons were engaged in the business dealing for a long time and the allegations in the FIR relate to debt of Rs.40 crores lying outstanding against the accused persons and the suit for recovery is also pending between the parties. Mr.

Goyal, learned counsel for the petitioners fairly states that except that the order dated 03.09.2020 (Annexure P-11) is being challenged on merits, no other ground much less misuse of the concession has been raised by the petitioners for cancellation of bail of the accused.

A perusal of the order reveals that ld. Addl. Sessions Judge, Kaithal has exercised the discretion after hearing the learned counsel for the parties and considering the respective arguments. Apparently, discretion has been exercised in favour of the accused, which is based upon sound judicial principle and does not call for any interference under Section 439(2) Cr.P.C.

At this stage, learned counsel for respondent Nos.2 and 3 have stated that pursuant to the final report filed by the police, the accused have been admitted on regular bail as well.

In view of above, no case is made out for exercise of jurisdiction under Section 439(2) Cr.P.C.

Petitions are dismissed.

09.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No