

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

(Through Video Conferencing)

CRM-M-44148-2020

Date of Decision: 05.01.2021

KRISHAN MITTAL AND OTHERS

.....Petitioners

V/s.

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

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

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439(2) of the Code of Criminal Procedure, 1973, for cancellation of pre-arrest bail granted to respondent No. 2 by the trial Court vide order dated 20.08.2020 (Annexure P-11) in case FIR No.304, dated 29.07.2020 registered under Sections 406, 409, 420 and 506 of the Indian Penal Code, 1860 at Police Station City Kaithal, District Kaithal, Haryana.

Learned counsel for the petitioners contends that the learned trial Court gravely erred in granting concession of anticipatory bail to respondent No. 2-Poonam Maglani without appreciating that she alongwith other partners of the firm namely M/s Lekh Raj & Sons owed an amount of approximately ₹40.00 Crores to the commission agents including the petitioners and as and when they were asked to return their amount they were threatened with dire consequences by the accused including respondent No.2. He further contends that learned trial Court straightaway granted the anticipatory bail to respondent No. 2 without directing her to

join investigation. Hence, a prayer has been made that the bail granted to respondent No. 2 be cancelled in view of the serious allegations levelled against her.

Learned counsel for the petitioner has placed reliance upon a decision rendered by the Supreme Court in the case of Jai Parkash Singh Vs. State of Bihar, 2012(2)RCR (Criminal) 251 in support of his submissions.

Heard.

Once a concession of bail has been granted, the Courts should act with a great deal of circumspection and should be wary of cancelling the bail unless of course if the Court notices that the order granting bail is patently perverse and against the material on record or some evidence comes to the fore that the accused has breached the conditions of bail which were imposed upon him at the time of grant of bail by the Court.

A perusal of the impugned order granting bail to respondent No. 2 does not in any way reflect any perversity inasmuch as she was admittedly a sleeping partner of the firm i.e. M/s Lekhraj and Sons which owes an amount of ₹40.00 Crores and still further the learned counsel has failed to bring to the notice of this Court any breach of conditions of the bail so granted to her by the learned trial Court.

Moreover, while granting the concession of bail, respondent No. 2 had been directed to join investigation as and when required by the investigation agency. The learned counsel for the petitioner has failed to satisfy this Court as to why her custodial interrogation would be required as nothing has been brought forth before this Court by the learned counsel for

the petitioner that respondent No. 2 had not been joining the investigation and not co-operating with the investigating agency.

Dismissed.

January 5, 2020

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>