

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

CRM-M-2828-2022

Date of decision-01.02.2022

Dharmender

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rabinder Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 (2) Cr.P.C for cancellation of anticipatory bail granted to respondent Nos.2 and 3 vide order dated 07.09.2021 (Annexure P-3) in case FIR No.228 dated 09.07.2021 registered under Sections 323, 324, 326, 34 and 506 Indian Penal Code, 1860 at Police Station Murthal, Tehsil & District Sonipat.

Learned counsel for the petitioner has argued that this Court vide order dated 07.09.2021 (Annexure P-3) extended the concession of interim pre arrest bail to the accused and the said concession is being misused by them by extending threats to the petitioner (complainant). Learned counsel has invited the attention of the Court to the complaints dated 14.09.2021 (Annexure P-4) given to

Superintendent of Police, Sonipat and IG Rohtak, Range Rohtak and submits that the concession extended to the accused deserve to be cancelled.

During the course of hearing, it is not disputed by learned counsel that initially the FIR was for the offences punishable under Sections 323, 324, 506 and 34 IPC and after arrest of the accused, they were released on regular bail vide order dated 26.07.2021 and it was on addition of Section 326 IPC, the accused again approached the Court for grant of pre-arrest bail. A perusal of the complaint (Annexure P-4) given by complainant reveals that there are no particulars much less the mode and manner of alleged threat extended to him are mentioned as the complaint contains only bald averment that accused persons are still threatening to kill the complainant. The ground raised for cancellation of bail is vague and is not supported with any convincing material.

Resultantly, this Court is not inclined to exercise the jurisdiction under Section 439(2) Cr.P.C.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

01.02.2022

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