

CRM-M-9474-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9474-2019 (O&M)
Reserved on: 13.09.2022
Pronounced on: 16.09.2022

Central Bureau of Investigation ...Petitioner

Versus

Gurmeet Ram Rahim ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajeev Anand, Advocate for the petitioner.

Mr. R. Venkatramani, Sr. Advocate with
Mr. Amit Tiwari, Advocate
Mr. Gurdas Salwaria, Advocate and
Mr. Harish Chabra, Advocate
For the respondent.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
RC No.1- (S)/2015/SCU-V/SC- II, CBI New Delhi	07.01.2015	SCII/CBI/New Delhi	120-B, 326, 417 & 506 IPC

1. Seeking cancellation of bail granted to the accused in the FIR captioned above, the aggrieved person has come up before this Court under Section 482 Code of Criminal Procedure, 1973 (CrPC) instead of the statutory provision prescribed under section 439(2) of CrPC. However, this court is not adjudicating the maintainability of the petition under section 482 CrPC and deciding the same on its merits.
2. Vide order dated 5 Oct 2018, the Special Judge, CBI, Haryana at Panchkula had granted bail to the accused primarily on the grounds mentioned in paragraph 6, wherein the court observed that the petitioner’s custody in the case was more than seven months and the court had given liberty to the CBI to seek cancellation in case of any allegations of allurement or threat to the witnesses.
3. Feeling dissatisfied and aggrieved, the CBI seeks cancelation of the bail because the crime is heinous, the gravity of the offence does not entitle bail to the petitioner, and the order is illegal, arbitrary, and not the following law; the material witnesses yet to be examined, the possibility of more similar victims of castration coming forward.

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4. A perusal of the record reveals that the FIR was registered on Jan 7, 2015, and the in the present case, the petitioner was sent to judicial custody on Feb 28, 2018. Furthermore, the petitioner is in custody in another case, where he has been convicted. There is no allegation of influencing the witnesses or tampering with the evidence even when he was released on furlough/parole for a few weeks in the said conviction. Apart from that, there is nothing that shows the impugned order is wrong. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, no grounds exist to cancel the bail.

5. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

16.09.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.