

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

**CRM-M-10735-2022**

**Date of decision: 31.05.2022**

Abdul Raseed

...Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Ms. Rosi, Advocate,  
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Ms. Mehak Sawhney, Advocate,  
for respondent No.2.

**HARNARESH SINGH GILL, J. (ORAL)**

Through this petition, the petitioner seeks cancellation of anticipatory bail granted to respondent No.2, vide order dated 27.01.2022 passed by this Court, in case bearing FIR No.319 dated 05.12.2019, registered under Sections 302, 148 and 149 IPC and Section 25 of the Arms Act, 1959, at Police Station Pinangwan, District Nuh.

Learned counsel for the petitioner contends that specific injury on the chest of the deceased, has been attributed to the petitioner. On this premise, learned counsel prays for the cancellation of anticipatory bail granted to respondent No.2.

Learned State counsel also submits that respondent No.2 had actively participated in the commission of offence.

On the other hand, learned counsel for respondent No.2 submits that during investigation conducted by the then Inspector/SHO Ratan Lal and the Deputy Superintendent of Police, District Nuh, it was

concluded that respondent No.2 had not been found involved in the present case. However, during inquiry conducted by the then Superintendent of Police, Rewari, it was concluded that respondent No.2 had been found present at the spot and had allegedly committed the offence punishable under Sections 202 and 212 IPC. She also contends that as per para no.10 of the reply, the petitioner is stated to be a member of the unlawful assembly. Moreover, there is no allegation against respondent No.2 of misusing the privilege of bail or committing any misconduct after being admitted to bail. In such circumstances, the bail granted to respondent No.2 ought not to be cancelled.

I have heard the learned counsel for the parties.

It would be apposite to mention here that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive.

The bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial as has been held by the Hon'ble Supreme Court in the

case of Dolat Ram and others v. State of Haryana, 1995 (1) SCC 349.

After carefully going through the material on record, it is crystal clear that there is no allegation against respondent No.2 of any misconduct after he has been granted the privilege of anticipatory bail. There is no supervening circumstance on the part of respondent No.2 after being granted bail, to come to a conclusion that it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. Moreover, the investigating agency has found that only the offences punishable under Sections 202 and 212 IPC are made out against respondent No.2.

In view of the above, this Court is of the considered view that this is not a fit case where the bail granted to respondent No.2, vide order dated 27.01.2022 passed by this Court, is to be cancelled.

Therefore, finding no merit in the present petition, the same is dismissed.

31.05.2022  
parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No