

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

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CRM-M-12076-2022

Date of Decision : **April 19, 2022**

JATINDER BANSAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Deepak Aggarwal, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439(2) of the Code of Criminal Procedure for cancellation of bail granted to respondent No.2 by this Court vide order dated 21.1.2022 (Annexure P-2) in case FIR No.82 dated 24.7.2021 under Sections 458/323/148/149/427/506 IPC, registered at Police Station City, Rampura, Bathinda.

It has been submitted by the learned counsel for the petitioner that this Court had granted anticipatory bail to respondent No.2 on 21.1.2022 and thereafter on 7.2.2022 respondent No.2 had forcibly cut the shutter and the clippings of the lock attached with the shutter of the staircase in question and also threatened the petitioner and his family members of dire consequences. He submitted that the respondent No.2 has violated the bail order and, therefore, the bail is liable to be cancelled.

I have heard the learned counsel for the petitioner.

This Court had passed a detailed order on 21.1.2022 while allowing the bail application of respondent No.2, namely, Nand Lal and

others and the petitioner, who is the complainant in the present case was also heard. The only plea taken in the present petition is that after the passing of the bail order, respondent No.2 has repeated the offence and had cut the shutter and the clippings of the lock and encroached upon the staircase and according to the learned counsel for the petitioner with regard to the said incident DDR was also lodged. A perusal of the order dated 21.1.2022 would show that even the subject matter pertaining to the dispute of staircase was sub-judice before the Civil Court and the learned Addl. Civil Judge, Phul had also granted interim stay to the accused/private respondents, who was granted bail by this Court. The aforesaid operative part of the order is reproduced as under:-

“In view of the above discussion and after going through the documents placed on record by the plaintiff, it is prima facie established that the plaintiff is in possession of the stairs in dispute and the defendants have failed to bring on record any document to show their ownership or their possession over the stair in dispute. So, a prima facie case exist in favour of the plaintiff and balance of convenience also lies in her favour and if stay is not granted in favour of the plaintiff then she will suffer an irreparable loss and injury. Hence, the present application is hereby allowed and the defendants are restrained from demolishing and closing the stairs shown as Mark P, P1, P2, P3 in the site plan illegally and forcibly. The defendants are further restrained from encroaching upon and changing the nature of the said stairs.

Needless to say that any observations made hereby above would have no effect on the final outcome of the present case. Therefore, the application is hereby disposed

off with the above observations.”

A perusal of the same would show that rather the Civil Court had restrained the family members of the petitioner for encroaching upon and changing the nature of said staircase. It is not a case that there is any violation of the condition of the bail order passed by this Court as there is nothing in the petition as well as the argument of the learned counsel for the petitioner that respondent No.2 has tried to influence any witness who is connected with the investigation of the case. However, it is a case where at the most a fresh cause of action may have arisen in favour of the petitioner and assumingly the same to be true then the petitioner has a remedy under the law but it would not constitute a ground for cancellation of the bail.

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

April 19, 2022

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(JASGURPREET SINGH PURI)

JUDGE

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