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

**CRM-M-14087-2020 (O&M)
Date of Decision: 22.09.2022**

Vinod

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Virender Soni, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439(2) read with Section 482 of the Code of Criminal Procedure for cancellation of regular bail granted to respondent No.2 by the learned trial Court at Rohtak in case bearing FIR No.216 dated 07.05.2019, under Sections 302, 148, 149, 120-B of the IPC and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner has submitted that the scope of the present petition was pertaining to challenge the order of bail passed by the learned Additional Sessions Judge, Rohtak vide Annexure P-2 on merits, and therefore, has sought to invoke the extraordinary powers of this Court under Section 482 of the Code of Criminal Procedure. It has been further submitted by the learned counsel for the petitioner that as per the

FIR (Annexure P-1), the complainant had received an information that his younger brother, namely, Parmod @ Pawan has been killed by firing and even in the FIR it has been recorded that there is a civil dispute is going on with regard to some residential house with one Gindori w/o late Balbir and about three months back, some persons including Ajay-respondent No.2 had come to their house and had threatened them. He also submitted that the bail was granted by the learned Additional Sessions Judge without discussing the merits, since respondent No.2 had killed the brother of the complainant along with other persons, and therefore, his bail is liable to be cancelled.

On the other hand, Mr. Sunil Kumar, Advocate for Mr. Jasbir Mor, learned counsel for respondent No.2 has stated that vide Annexure P-2, the learned Additional Sessions Judge has granted bail to respondent No.2 on merits especially considering the custody of the petitioner and the factum of the Covid-19 Pandemic, which was prevailing at that point of time, even otherwise also as per the prosecution story, the entire case was based upon the suspicion of the complainant. Respondent No.2 has clean antecedents and he is not involved in any other case and was falsely implicated in the present case and that is why the bail order was passed in his favour by learned Additional Sessions Judge.

Mr. Ranvir Singh Arya, learned Addl. A.G., Haryana has stated that in the present case, the reply has already been filed by the State and has referred to Para No.7 of the affidavit, in which it has been stated that in case there is any misuse of the concession of bail by respondent No.2 then the petitioner can always take the recourse of law by filing an appropriate application.

I have heard the learned counsel for the parties.

For the purpose of considering the prayer for cancellation of bail granted to respondent No.2, the Court has to exercise extraordinary due and caution, since the freedom of an individual is involved. From the pleadings and from the arguments of the learned counsel for the petitioner, there is no cogent reason on the basis of which the bail granted to respondent No.2 by the learned Additional Sessions Judge can be annulled. It is only the allegations of the petitioner that his brother was killed by respondent No.2 but the same is a matter of trial which can be ascertained by way of adducing evidence and a perusal of the FIR would show that the FIR was based upon suspicion. Apart from the same, respondent No.2 has got clean antecedents and is not involved in any other case, therefore, this Court is of the view that there is no ground available with the petitioner to seek annulment of the orders passed by the learned Additional Sessions Judge by which bail was granted to respondent No.2.

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

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

22.09.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |