

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-27481-2021

Date of Decision :07.02.2022

Rekha Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Ritesh Kumar Sharma, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that the prayer of the petitioner in the present petition is for cancellation of bail of respondent No.2. granted to her by the Court below vide order dated 25.05.2021 on the ground that facts of the case prima facie show that respondent No.2. is guilty of the allegations alleged.

Learned State counsel submits that as of now, the investigation is already over and challan has already been presented.

Learned counsel for respondent No.2 submits that respondent No.2 has been granted concession of regular bail by the Court below vide order dated 25.05.2021, keeping in view the facts and circumstances recorded in the said order, and the same is in accordance with law.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Plea, which has been raised by the petitioner for cancellation of bail of respondent No.2 is that prima facie the respondent No.2 is guilty of allegations hence, bail granted to her should be cancelled, cannot be accepted, for the reasons that innocence or guilt of respondent No.2 is to be proved on the basis of evidence, which will come during the course of trial. Perusal of the order passed by the Court below granting bail to the respondent No.2 shows that the said order does not need any interference by this Court especially, at this stage, when challan has already been presented by the Investigating Agency after the completion of investigation. As the trial is likely to take some time before it is concluded, the prayer of the petitioner for cancellation of the bail of respondent No.2 so as to send her behind the bars during the entire period of trial, cannot be accepted. No justifiable reason has been advanced for the consideration of this Court so as to infer that impugned order granting bail to respondent No.2 suffers from any infirmity.

No ground is made out to grant the prayer of the petitioner seeking cancellation of the bail granted to respondent No.2.

Petition stands dismissed.

It is made clear that anything expressed in this order will have no effect on the merits of the case as the guilt or innocence of respondent No.2 will be adjudged on the basis of complete evidence, which will come on record during the course of trial.

February 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No