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

CRM-M-33936-2021 (O&M)

Date of decision : 14.03.2022

Meenu and others

..... Petitioners

versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Waraich, Advocate
for the petitioners.

Mr. B.S. Virk, DAG, Haryana.

Mr. Nipun Vashist, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

CRM-36031-2021

Application is allowed as prayed for. Annexures R-13 to R-16 are taken on record.

CRM-M-33936-2021

Petitioners have approached this Court impugning the order dated 14.02.2020 by virtue of which respondent No.2 was granted anticipatory bail.

It has been contended by counsel for the petitioners that respondent No.2 was wrongly granted the anticipatory bail by the learned Additional Sessions Judge, Faridabad. He submits that respondent No.2 has threatened the petitioners and thereafter, two of the FIRs i.e. FIR No.159 dated 23.06.2021, under Sections 341/506 IPC, Police Station Chhainsa and FIR No.202 dated 03.08.2021, under Sections 148, 149, 323, 452 IPC, Police Station Chhainsa, District Faridabad were registered

against him. He submits that in the facts and circumstances, respondent No.2 does not deserve to remain on bail and the same deserves to be cancelled.

Learned counsel for respondent No.2 has opposed the submissions made by counsel for the petitioners tooth and nail. He submits that respondent No.2 has been falsely implicated in this FIR. He further submits that after investigation, cancellation report was presented before the Illaqa Magistrate. However, without waiting for the order of the Court, an SIT was constituted and then the respondent No.2 was again implicated in this case. He further submits that in the two above-mentioned FIRs as contended by counsel for the petitioners, the challan under Section 506 IPC has been filed against the accused. So far FIR No.202 dated 03.08.2021 is concerned, it is against the brother of the respondent No.2 and not against the respondent No.2 and hence, the contention of the counsel for the petitioners is factually incorrect.

Learned State counsel has relied upon the status report filed and has submitted that after investigation, cancellation report was filed. However, thereafter, SIT was constituted and then the challan was presented in this FIR. He further submits that now learned trial Court is seized of the matter and out of 16 prosecution witnesses, 03 witnesses including the prosecutrix have already been examined.

I have heard counsel for the petitioners and perused the record.

Respondent No.2 was granted bail by the Court of Additional Sessions Judge, Faridabad vide order dated 14.02.2020. As per the observation made by Additional Sessions Judge, it is factually correct that

after investigation, cancellation report was filed in the present case and thereafter, SIT was constituted and the respondent No.2 was granted anticipatory bail. At present, the evidences are going on and the material witnesses already stand examined as submitted by the learned State counsel. So far as the other two FIRs are concerned, same were registered after lodging of the present FIR. Respondent No.2 is accused only in one case and in that, challan already stands filed. In view of the above facts, this Court is convinced that learned Additional Sessions Judge has committed no illegality. The cancellation report was already presented and subsequently on the report of the SIT, challan was submitted and bail was granted. The law relating to the cancellation of bail rests upon different footing than that of granting the bail. Once the bail is granted, the same cannot be cancelled in a cavalier manner.

Without commenting anything on the merits of the case, the Court finds that there is no merit in the petition and the same is hereby dismissed.

14.03.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No