

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

CRM-M-36708 of 2021

DECIDED ON: 1st February, 2022

Manohar Lal

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.K. Ganga, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439(2) Cr.P.C. is filed seeking cancellation of anticipatory bail granted to Krishna aged 60 years and Devi Lal aged 72 year.

On a complaint made under Section 156 (3) Cr.P.C. by Manohar Lal FIR was registered. As per contents Devi Lal was working as Chowkidar in village Ludesar. He got prepared Aadhar Card from Rajasthan in which his father's name was recorded as Pokhar Ram, whereas Pokhar Ram was his uncle. It was alleged that documents were forged. It would not be out of place to mention that on the basis of similar complaint, FIR No. 9 dated 1.1.2020, was registered in District Hamumangarh, Rajasthan. During inquiry it revealed that on asking of father of Devi Lal, he was adopted by his uncle.

Learned Additional Sessions Judge, considering the nature of allegations, age of the accused and the fact that the case is based upon documentary evidence granted anticipatory bail.

Interim bail of Devi Lal was confirmed on 23.8.2021 and of Krishna was confirmed on 8.6.2021.

Learned counsel for the petitioner submits that the allegations against the accused are serious. They had forged identification proof and the documents. They were availing the benefits of being below poverty line in Rajasthan whereas Devi Lal in State of Haryana, was employed as Chowkidar.

Learned State counsel appearing on advance notice on instructions from SI Poonam Chand submits that the petitioners had joined investigation and cooperated, their custodial interrogation was not required.

Supreme Court in ***Ram Govind Upadhyay Versus Sudarshan Singh in (2002) 3 SCC 598***, has held as under:

"9.Undoubtedly, considerations applicable to the grant of bail and considerations for cancellation of such an order of bail are independent and do not overlap each other,....."

Without commenting upon the merits of the case, no ground is made out for cancellation of anticipatory bail granted to respondents No. 2 and 3. There is no allegations of interim bail being misused.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

1st February, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>