

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

CRM-M-35805-2022

Date of Decision: 24th November, 2022

Istikar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vishvajeet, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Naveen, Advocate for respondent No.2.

AVNEESH JHINGAN, J.(Oral)

1. This is a petition seeking cancellation of bail granted to the respondent No.2 vide order dated 14th July, 2022 in case FIR No. 315, dated 11th August, 2021, under Sections 420, 467, 468, 471, 506 and 120-B of Indian Penal Code, 1860 and Sections 7 and 13 of the Prevention of Corruption Act, 1988, registered at Police Station Kunjpura, District Karnal.

2. The relevant facts are that Istikar (petitioner) moved a complaint. It was alleged that the accused in connivance with each other had shown co-accused as cultivator in Khasra Girdawari. As per the prosecution the rapat on the basis of which revenue entries were made is not available.

3. The Additional Sessions Judge vide order dated 14th July, 2022, granted bail to the respondent No.2. It was considered that the investigation was complete conclusion of the trial was likely to take time, FSL report regarding specimen handwriting of the co-accused Subhash Chand was still awaited.

4. Learned counsel for the petitioner submits that trial court erred in granting bail to the respondent No.2 as there is an apprehension that he will influence witnesses and moreover, is involved in another FIR .

5. Mr. Naveen, Advocate appearing on behalf of the respondent defends the impugned order.

6. Learned State counsel on instructions submits that investigation is complete, challan stands presented and FSL report of the co-accused has been received.

7. The **Supreme Court** in **Myakala Dharmarajam and others etc. V. State of Telangana and another, AIR 2020 SC 317**. The Supreme Court considering its earlier decision in Raghubir Singh v. State of Bihar, (1986) 4 SCC 481 laid down the scope of interference in order granting bail. The relevant paragraphs are quoted below:

“7. In Raghubir Singh v. State of Bihar, (1986) 4 SCC 481 this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.

8. It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court

granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail Kanwar Singh Meena v. State of Rajasthan & Anr. (supra).”

8. The matter regarding correction of revenue entries is subject matter of civil suit. Though the challan has been presented conclusion of the trial is likely to take time. There is no basis for the apprehension of the petitioner that respondent No.2 would not be in a position to influence the witness. Having conspectus of facts it is evident that case is *prima facie* based upon the documentary evidence and the involvement of the petitioner in another FIR cannot be a ground to deprive his personal liberty, no case is made out for interference.
9. The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

24th November, 2022
Parveen Sharma

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