

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

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CRM-M-41083-2022

Date of Decision : **September 08, 2022**

ASHWANI KUMAR SAINI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Somender Dahiya, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439(2) of the Code of Criminal Procedure for cancellation of regular bail granted to respondent No.2 vide order dated 6.7.2022.

It has been submitted by the learned counsel for the petitioner that this Court had granted regular bail to respondent No.2 on 6.7.2022 and the said bail is liable to be cancelled on two grounds. Firstly, that at the time of grant of bail neither the respondent No.2 nor the State had disclosed that there were other two more FIRs against respondent No.2 and two summons have also been issued against her. He has referred to para No.3 of the petition to substantiate his argument. Secondly, after the bail was granted to respondent No.2, she has tried to threaten the petitioner for a number of times on telephone and thereafter the aforesaid telephone number is switched off and the petitioner has informed the police but no action has been taken in this regard.

On the other hand, Mr. Ranvir Singh Arya, learned Addl. Advocate General, Haryana has stated that so far as the information given to the police is concerned, there is no such document on record to show that he has informed the police nor he has attached any document or any other evidence that he has given any such kind of information to the police and he has further submitted that in case the petitioner has actually given any information to the police then the police shall be duty bound to consider it in accordance with law.

I have heard the learned counsels for the parties.

The present petition has been filed seeking cancellation of bail which was granted by this Court vide order dated 6.7.2022. The first argument raised by the learned counsel for the petitioner was that the other two FIRs which were pending against the respondent No.2 was not disclosed at the time of grant of bail. A perusal of the para No.3 of the petition would show that those two FIRs are pertaining to the State of Andhra Pradesh and Maharashtra and similarly the summons as mentioned in two more cases are also pertaining to Maharashtra and the learned State counsel has submitted during the course of arguments that in view of the fact that these cases were of different States, the same could not be brought to the notice of the Court. However, a perusal of the order passed by this Court while granting bail, it can be seen that the bail was granted on its own merits and especially considering the fact that the respondent No.2 is a lady of the age of 32 years and she has faced incarceration for about 11 months and the complainant has already been examined as PW1. Therefore, this Court is of the view that on this

ground alone, the bail cannot be cancelled since it involves the right of liberty of respondent No.2. So far as the second argument raised by the learned counsel for the petitioner that after passing of the bail order, the respondent No.2 had tried to threaten the petitioner is concerned, the learned State counsel has stated that there is no such record in this regard nor any document has been attached alongwith the present petition and he has also assured that in future any such written communication or information is received by the police then further action will be taken in accordance with law. Therefore, the second argument raised by the learned counsel for the petitioner does not hold good.

Apart from the same, whenever the Court has to consider the prayer for cancellation of bail then such a prayer has to be considered very cautiously and very diligently since the freedom of an individual is involved and especially in the present case the petitioner is a lady of the age of 32 years and she has faced incarceration for about 11 months.

In view of the aforesaid facts and circumstances, the present petition is devoid of any merit and is, therefore, dismissed.

September 08, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No