

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

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**CRM-M-44151 of 2022
Date of Decision: 30.09.2022**

Sky World School

..... Petitioner

Versus

The State of Haryana and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagjot Singh, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 (2) read with Section 482 of the Code of Criminal Procedure for setting aside the order dated 22.06.2022 and for cancellation of regular bail granted by the learned Addl. Sessions Judge, Panchkula vide Annexure P-1 in FIR No.518 dated 29.12.2021, under Sections 406, 420, 467, 468 and 471 IPC, registered at Police Station Sector-5, Panchkula.

The learned counsel for the petitioner has submitted that the order by which the bail was granted to respondent No.2 is liable to be set aside and annulled on two grounds, firstly, respondent No.2 had concealed that there is no other case against him whereas vide Annexure P-4 there was another FIR pending against respondent No.2 and secondly, the amount that was embezzled by respondent No.2, is a huge amount.

I have heard the learned counsel for the petitioner and have also

perused the order passed by the learned Addl. Sessions Judge, Panchkula whereby bail was granted to respondent No.2. The present case, which was registered under Sections 406, 420, 467, 468 and 471 IPC, is triable by the Magistrate. As per the bail order, the investigation of the present case has been completed and the report under Section 173 of the Code of Criminal Procedure has already been presented to the competent Court and during the course of hearing, the learned Addl. Advocate General, Haryana has pointed out that now charges have also been framed and two prosecution witnesses out of 11 have been examined. The bail was granted on the aforesaid facts and circumstances particularly since respondent No.2 was in custody from 17.01.2022 and conclusion of the trial may take long time and no useful purpose would be served in case the custody of respondent No.2 is further extended. The allegations were pertaining to some embezzlement in the school but the same were only allegations which are to be seen at the time of trial and therefore the learned Court granted bail to respondent No.2.

This Court is of the view that so far as the first argument raised by learned counsel for the petitioner that there was another FIR pending against respondent No.2 is concerned, a perusal of Annexure P-4 would show that the said FIR pertains to some matrimonial dispute and therefore the same would not have bearing on the merits of the present case and secondly, the bail which has been granted by the learned Addl. Sessions Judge was based upon not only the custody aspect but also taking into consideration all the relevant factors including the fact that the investigation of the case has already been completed and the trial may take long time. Apart from the same, present case is triable by the Magistrate. It is a settled law that for the purpose of considering the cancellation of a bail which is already granted, the Court has to exercise extreme care and caution since it affects the liberty of an individual.

A perusal of the order passed by the learned Addl. Sessions Judge granting bail and also hearing the learned counsel for the petitioner, this Court does not find any ground on the basis of which the order of bail can be set aside.

The present petition is devoid of any merit and the same is hereby dismissed.

September 30, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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