

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51546-2021
Date of Decision:10.05.2022

Neetu Anand

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhinav Aggarwal, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Mr. Parminder Singh, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 (2) of the Criminal Procedure Code for cancellation of anticipatory bail granted to respondent No.2 in FIR No.702 dated 12.11.2020, under Sections 406, 420, 467, 468, 471, 201 and 120-B IPC, registered at Police Station City, Karnal.

Learned counsel for the petitioner has submitted that respondent No.2 who is a lady was granted anticipatory bail by the learned Sessions Judge, Karnal vide order dated 18.05.2021. He further submitted that at the time of the passing of the order the State had taken an objection that although respondent No.2 has joined investigation but she has not cooperated with the investigation process and, therefore, the learned Sessions Judge, Karnal ought not have granted the bail to respondent No.2 and rather respondent No.2 ought to have submitted the documents to I.O

and in the absence of the same, the said bail order passed by the learned Sessions Judge, Karnal was erroneous.

On the other hand. Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana and Mr. Parminder Singh, Advocate appearing on behalf of respondent No.2 have submitted that the present petition under Section 439 (2) of the Code of Criminal Procedure seeking cancellation of bail is not maintainable. They further submitted that the petitioner instead of approaching the learned Sessions Judge, Karnal under Section 439(2) Cr.P.C has straightway filed the present petition. They further submitted that it is not a case where the petitioner has challenged the legality of the aforesaid order of bail but the present petition is under Section 439 (2) Cr.P.C. They further submitted that cancellation of bail and annulment/ setting aside of the order of bail are two different things and they operate under two different parameters. They further submitted that even otherwise also no illegality or perversity can be found in the order passed by the learned Sessions Judge, Karnal. They further submitted that although the police had taken an objection that respondent No.2 had joined the investigation but not cooperated with the investigation process but learned Sessions Judge has very clearly and unambiguously dealt with the aforesaid objection raised by the State and came to the conclusion that it was a fit case for grant of bail to respondent No.2 who is a lady and, therefore, the present petition for the grant of cancellation of bail deserves to be dismissed.

I have heard the learned counsel for the parties.

In the present case the allegations against respondent No.2 and her husband as per the learned counsel for the parties were that the accused had forged some retirement documents regarding a partnership firm. So far

as respondent No.2 who has been granted anticipatory bail is concerned, she is the wife of other co-accused who is the partner and she has been granted interim bail by the learned Sessions Judge, Karnal and thereafter, on 18.05.2021 the I.O specifically stated before the learned Sessions Court that respondent No.2 has joined investigation. However, an objection was raised by the I.O that she was not cooperating and a specific query was raised by the learned Sessions Judge as to how she had not cooperated and the learned Sessions Judge had dealt in detail with regard to the same and came to the conclusion that it was a case where interim anticipatory bail granted to respondent No.2 should be confirmed.

The present petition has been filed under Section 439 (2) of the Code of Criminal Procedure seeking cancellation of bail whereas it appears that the petitioner has actually challenged the order of granting bail itself. The petitioner instead of filing appropriate application before the learned Sessions Judge where his remedy lies has filed the present petition under Section 439 (2) Cr.P.C which is not maintainable. Apart from the same, even otherwise also there is no illegality or perversity in the order which has been passed by the learned Sessions Judge, Karnal. The learned Sessions Judge has very clearly dealt with the objection raised by the State and has granted bail to respondent No.2.

Therefore, this Court finds no ground to interfere in the order passed by the learned Sessions Judge, Karnal.

Consequently, the present petition is dismissed.

10.05.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking

: Yes/No

Whether reportable

: Yes/No