

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102

CRM-M-52769 of 2022(O&M)
Date of Decision:16.11.2022

Omwati

-----Petitioner

vs.

State of Haryana and others

-----Respondents

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ranjeet Singh Chauhan, Advocate,
for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL (ORAL)

Through instant petition under Section 439 (2) of Code of Criminal Procedure, 1973, the petitioner is seeking cancellation of bail granted to Mahender and Satbir Singh-respondents No. 2 and 3 respectively in FIR No. 262 dated 1.10.2022, under Sections 148, 149, 323, 427, 452, 506 of IPC, registered at Police Station BPTP, District Faridabad.

Respondents No. 2 and 3 preferred petition under Section 438 Cr.P.C. seeking anticipatory bail before Sessions Court which came up for consideration before Sessions Judge, Faridabad who vide order dated 20.10.2022 (Annexure P-7) granted concession of interim anticipatory bail and directed the respondents herein to join investigation. The respondents joined investigation and when the matter came up for consideration before Sessions Judge, Faridabad on 28.10.2022, the police made statement that applicants (respondents herein) have already joined investigation and their custodial interrogation is not required.

In view of statement of police, the interim bail granted vide

order dated 20.10.2022 was made absolute subject to conditions mentioned in the order dated 28.10.2022.

Learned counsel for the petitioner submits that bail granted to respondents herein deserves to be cancelled because the respondents forcefully entered house of the petitioner and caused injuries to petitioner who is 72 years old lady.

I have heard counsel for the petitioner and perused the record.

The parameters prescribed for grant of bail and cancellation of bail are altogether different. The bail once granted cannot be mechanically cancelled. The prosecution or any other person seeking cancellation of bail is required to bring on record additional facts which warrant cancellation of bail. There is nothing on record in the present case to show that Sessions Judge, Faridabad has mechanically granted bail or there is no application of mind. There is nothing on record indicating that respondents have misused concession of bail granted by Sessions Judge, Faridabad. No ground is made out to interfere in the well reasoned order passed by Sessions Judge, Faridabad.

The petition stands dismissed.

(JAGMOHAN BANSAL)
JUDGE

November 16, 2022
paramjit

Whether speaking or reasoned: Yes
Whether reportable :Yes/No