

CRM-M-54085-2019 (O&M)

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

Decided on: March 3, 2022.

(1)

CRM-M-54085-2019 (O&M).

Kuldeep Singh Fauji

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

*** * ***

(2)

CRM-M-55228-2019 (O&M).

Kuldeep Singh Fauji

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT

None for the petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

This order will dispose of the above noted two petitions
filed under Section 439 (2) of the Code of Criminal Procedure, seeking
cancellation of anticipatory bail granted to Raj Kumar and Sumitra

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(respondent No.2) in FIR No.297 dated 12.9.2019, registered under Section 420 IPC at Police Station Arya Nagar, District Rohtak and further for setting aside the order dated 23.9.2019 passed by the Court of Sessions Judge, Rohtak.

Both the petitions are being taken up today for final disposal in view of the fact that the petitioner in both the petitions is the same person who is the complainant in the FIR and he has filed the present petitions for cancellation of bail/setting aside of the order passed by the learned Sessions Judge, whereby the bail was granted to two co-accused namely Raj Kumar and Sumitra (respondent No.2).

Before proceeding further, it would be necessary to mention that in both the cases notice of motion was issued on 20.2.2020. On 19.7.2021, nobody had caused appearance on behalf of the petitioner as well as respondent No.2 in both the cases despite the fact that respondent No.2 was served and the service was complete and since the matter was being taken up through video conference, the same was adjourned for 16.11.2021. On that date also nobody had appeared on behalf of the petitioner as well as respondent No.2 and the Registry was directed to inform the learned counsel for the petitioner as well as respondent No.2 with regard to the next date of hearing.

On 8.2.2022, the Registry had reported that respondent No.2 has been served and the counsel for respondent No.2 has also been informed but still nobody had appeared on behalf of the petitioner and respondent No.2 and therefore, this Court, observed that the matter shall be

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considered on the basis of record available with the Court but the learned State counsel had sought short accommodation to address arguments and the matter was adjourned to 24.2.2022. Thereafter, on 24.2.2022, again nobody appeared on behalf of the petitioner as well as respondent No.2 and since on that day, the matter was being taken up through video conference, this Court adjourned the case for today so that both the matters may be heard in physical hearing. Today, again nobody has caused appearance on behalf of the petitioner as well as respondent No.2 and therefore, this Court is of the opinion that it should proceed on the basis of pleadings of the case and with the assistance of learned State counsel.

Both the petitions have been filed with twin prayers. Firstly, seeking cancellation of anticipatory bail which has been granted by the Court of Sessions and secondly, for setting aside the aforesaid order passed by the learned Sessions Judge. A perusal of the pleadings would show that the petitioner has challenged the orders on merits and also for cancellation of bail and there is no ground taken up by the petitioner in both the petitions to constitute ground for cancellation of bail under Section 439 (2) Cr.P.C.

Learned state counsel has submitted that firstly there is no ground available with the petitioner seeking cancellation of the bail because there is no allegation with regard to the violation of any of the conditions imposed by the learned Sessions Court and even for that matter the appropriate remedy available to the petitioner was to have approached the Sessions Court first. So far as other prayer of the petitioner seeking

setting aside of the order is concerned, there is no ground available with the petitioner challenging the order passed by the learned Sessions Court. He submitted that the order of bail which has been passed by the learned Sessions Court was passed on merits and a perusal of the present petition would show that there is no cogent reason for intervention by this Court and therefore, he has prayed for dismissal of both the petitions.

I have heard the learned State counsel and has also gone through the pleadings of the case.

There is no ground taken up by the petitioner seeking cancellation of bail as there is no allegation of violation of any of the conditions of bail granted by the learned Sessions Court. So far as the other prayer for setting aside of the order passed by the learned Sessions Court is concerned, again there is no justifiable ground on the basis of which intervention is sought from this Court.

In view of aforesaid position, this Court is of the view that no ground is made out for intervention in the present petitions and the both the petitions being devoid of any merit are, hereby, dismissed.

March 3, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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