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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1095-2021 (O&M)
Date of decision: 27.07.2023

Nachhattar Singh ...Petitioner
VS
State of Punjab and others ...Respondents

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: None for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. G.S. Gurna, Advocate,
For respondents No.2 to 7.

ARUN MONGA, J. (ORAL)

This is a petition under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to respondents No.2 to 7 by learned Additional Sessions Judge, Hoshiarpur, vide order dated 13.07.2020 (Annexure P-8) in case FIR No.150 dated 17.06.2020, registered under Sections 307, 323, 324, 506, 427, 447 read with Section 511, 148 read with Section 149 IPC and Section 25 of Arms Act (Sections 452, 269, 270, 271 IPC and Sections 53 and 54 of Disaster Management Act, 2005 added later on) at Police Station, Sadar Tanda, District Hoshiarpur.

2. There is no representation on behalf of petitioner.

3. It is asserted in the petition that after registration of FIR (Annexure P-1), on the statement of respondent No.5 herein, cross-case i.e., DDR No.26 dated 23.06.2020 was registered against the petitioner and his companions. A bare perusal of the DDR would reveal that disputed land was admittedly in possession of petitioner and per compromise in the Panchayat both the parties were directed not to sell the disputed land till the final decision by the competent court and it was also agreed that since the wheat crop had been sown in the disputed land by the petitioner party, therefore they would be allowed to harvest the crop. Despite

this agreement, respondent No.7 and his accomplices allegedly indulged in murderous assault on the petitioner.

3. Respondents No.2 to 7 had filed anticipatory bail and the same was allowed vide impugned order dated 13.07.2020 (Annexure P-8). However, the petitioner pleads that the said order is erroneous as the same was passed without considering the seriousness of offence. It is pleaded that accused/respondents No.2 to 7 can pressurize the petitioner, influence the investigation and may even commit another cognizable offence.

4. Per contra, learned counsel for respondents No.2 to 7 opposes the prayer made and submits that anticipatory bail was rightly granted by learned Additional Sessions Judge after examining the material on record. Rather, petitioner and his companions were the aggressors, who opened an attack resulting in multiple injuries to answering respondents. Learned counsel further urges that answering respondents acted in self-defence. No valid grounds are made out to cancel the bail granted to answering respondents.

5. Learned State counsel would argue that respondents No.2 to 7 were granted anticipatory bail by learned Additional Sessions Judge, Hoshiarpur and they joined the investigation in accordance thereof.

6. File perused. Heard learned State counsel and learned counsel for respondents No.2 to 7.

7. Cancellation of bail is a serious matter and can have significant impact on the life of a person. Matters of personal liberty ought not to be taken casually and the Courts have to be circumspect in accepting such requests in a mechanical manner.

8. Needless to say that parameters governing the cancellation of bail are in very narrow compass. It is only in those cases where there is likelihood of the accused fleeing the Court proceedings and/or otherwise being a social threat to the society that this Court would intervene and cancel bail already granted.

Matters of liberty are not to be taken as lightly, as has been canvassed by learned counsel for petitioner/complainant.

9. No doubt, if new criminal offence is committed by accused while on bail, it may be a ground to cancel the bail already granted. However, in the instant case, no offence has been committed by accused after the grant of concession of bail.

10. Given that there is a chequered history of hostilities between the parties, the bald assertion of petitioner/complainant that respondents No.2 to 7 extended threats to eliminate him and his family members without any corroborating material on record, cannot be made a ground to reconsider the original bail decision.

11. Being so, I am of the opinion that it would be rather harsh, at this stage, to incarcerate respondents No.2 to 7 again/cancel their bail on the basis of bald assertion that the accused may commit a new offence.

12. In the totality of circumstances, no case of cancellation of bail is made out.

13. As an upshot, no grounds for interference are made out.

14. Dismissed.

15. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

27.07.2023
Vandana

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