

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

101

**CRM-M-1553-2023
Date of decision: 16.02.2023**

Rajkamal Singh Atwal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sarju Puri, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the cancellation of pre-arrest bail granted to respondent No.2 vide order dated 30.05.2017 (Annexure P-1) passed by this Court in CRM-M-11694-2017 in case FIR No.23 dated 04.03.2017 (Annexure P-2) registered under Sections 406, 420, 465, 468 and 120-B of the IPC at Police Station Rahon, District SBS Nagar.

Learned counsel for the petitioner has vehemently argued that after respondent No.2 had been extended the concession of anticipatory bail, he had failed to comply with the terms and conditions of a compromise effected between the parties, which formed the basis of the order granting him anticipatory bail. Learned counsel further argued with vehemence that respondent No.2 had been repeatedly misusing the concession of anticipatory bail granted by this Court vide order dated 30.05.2017 by planting false and fabricated criminal cases on the petitioner and his family with an oblique motive to harass and humiliate them. He submitted that in 03 out of the 04 cases registered against the petitioner by respondent No.2, they were found innocent

which lent further credence to his submissions with respect to the misconduct of respondent No.2 after being extended the concession of anticipatory bail on 30.05.2017. Learned counsel has further submitted that one FIR No.86 dated 31.10.2020 under Sections 420, 465, 467, 468, 471, 406, 409 and 120-B of the IPC at Police Station Sadar Nawanshahar, District SBS Nagar was registered on the directions of Punjab Human Rights Commission against the petitioner. However, this Court by way of CWP-19152-2020 had stayed the operation of the Punjab Human Rights Commission ordering registration of FIR as on the face of it the order passed was illegal. Learned counsel thus asserted that in above facts and circumstances, particularly the sequence of events wherein one after another false cases had been planted upon the petitioner by respondent No.2 it left no manner of doubt that respondent No.2 had been blatantly and unabashedly misusing the extraordinary concession of anticipatory bail granted to him which thus deserved to be cancelled. In support of his submissions, learned counsel has placed reliance upon ***Meenakshi Sharma Vs. State of Punjab and another : 2017(2) RCR(Criminal) 1029.***

I have heard learned counsel and perused the relevant material on record including the case law on which reliance has been placed.

Learned counsel has failed to bring to the notice of this Court any material from which it could be even remotely discerned that respondent No.2 had misused the concession of anticipatory bail granted by this Court vide order dated 30.05.2017.

Though it was vehemently urged that respondent No.2 had

failed to comply with the terms and conditions of the compromise effected between the parties, however, a perusal of the order dated 30.05.2017 reveals that the interim order dated 06.04.2017 was made absolute because respondent No.2 had joined investigation in pursuance of the order of this Court and had also cooperated with the investigating agency, and hence as per instructions received by the learned State counsel his custodial interrogation was not required. Respondent No.2 was certainly not granted the concession of anticipatory bail on account of a compromise having been effected between the parties.

It is not even the case of the petitioner that the accused/respondent No.2 had attempted to tamper with the prosecution evidence or had extended threats to the prosecution witnesses to depose in his favour or even absented during trial. Merely because respondent No.2 had filed some criminal cases against the petitioner cannot be said to be a cogent enough reason to cancel the bail which was granted to him on 30.05.2017. This Court fails to comprehend as to how it can be termed to be a misuse of the liberty granted to respondent No.2.

Dismissed.

16.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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