

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

217

CRM-M-5280-2023

Date of decision: 09.08.2023

Ajmer Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Rishabh Chaudhary, Advocate  
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Dr. Anmol Rattan Sidhu, Sr. Advocate with  
Mr. Varun Sharma, Advocate,  
Ms. Sandhya Devi, Advocate and  
Mr. Amandeep Singh Manaise, Advocate  
for respondent No.2.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner has approached this Court under Section 439(2) read with Section 482 of the Cr.P.C. seeking cancellation of regular bail which was granted to respondent No.2-accused by the learned Trial Court vide order dated 22.12.2022 (Annexure P-2) in case FIR No.510 dated 08.09.2021 (Annexure P-1) under Sections 148, 149, 302, 307, 323 and 324 of the IPC and Section 25 of the Arms Act, 1959 (Section 27 of the Arms Act added lateron) registered at Police Station City Kaithal.

2. Learned counsel has vehemently argued that while passing the impugned order learned Trial Court failed to appreciate that respondent No.2 accused was the main conspirator of the crime as he was armed with a revolver at the time of the occurrence in question. Learned counsel has further submitted that after being released on bail, respondent No.2 had been misusing his liberty by threatening and

pressurizing various witnesses not to depose against him. He has further urged that merely because in the FIR in question it had been alleged that respondent No.2 had fired from a revolver at injured Mandeep Singh, and instead a kirpan had been recovered pursuant to his disclosure statement, it would not in any manner hint towards the innocence of respondent No.2 in the crime in question. He has submitted that even assuming that respondent No.2 was empty handed and had not inflicted any injury, he would still be vicariously liable as he was a part of an unlawful assembly comprising of about 15-20 miscreants. It has still further been submitted that merely because respondent No.2 was facing some health issues it could not have been a ground to extend the concession of bail to respondent No.2 accused, as he was being regularly treated in the jail where he was lodged. Learned counsel has thus urged that since the actual recovery of the weapon used by respondent No.2 had not been effected, the Trial Court ought not to have extended the concession of bail to respondent No.2.

3. Learned senior counsel appearing for respondent No.2 has vehemently opposed the prayer and submissions made by the counsel opposite. He has submitted that respondent No.2, who is a senior citizen, has been falsely implicated in the case in hand. It has further been submitted that falsity of the prosecution version is evident from the fact that as per the allegations levelled, respondent No.2 had fired with a revolver at the chest of Mandeep Singh, however, as per the MLR, the injury attributed to respondent No.2 was on the arm of injured Mandeep Singh. Still further, the said injury had been caused with a blunt weapon and was not even declared dangerous to life. Not

only this, even as per the prosecution, the fatal injuries had not been attributed to him but to a co-accused. Learned senior counsel has further asserted that the learned Trial Court besides taking into account the multiple health issues faced by respondent No.2 coupled with his long incarceration of 12 months, which was exclusive of the interim bail granted to him on medical grounds on two occasions, had rightly extended the concession of bail. Learned senior counsel has lastly submitted that when respondent No.2 was granted the concession of interim bail on medical grounds on two occasions, he had not misused the said concession and the said fact was noticed by the learned Trial Court in the impugned order also.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The Courts should be weary of cancelling bail in a mechanical manner and rather should act with utmost caution, unless of course some material has been brought to the notice of the Court that the accused had misused the concession granted to him or a perverse order was passed by ignoring the material and evidence on record.

6. A pointed query was thus put to the learned counsel for the petitioner as to whether there had been any misuse of the concession of bail by the accused or he had breached any conditions of bail, to which he replied in the negative. Though it was urged by the learned counsel for the petitioner that respondent No.2 had extended threats to him, however, on a query to him as to whether he had ever approached the police qua the threats extended to him, he replied in the negative. The learned counsel for the State, on instructions, also admitted that no

complaint qua the alleged threats had been received by the police from the petitioner.

7. Furthermore, a perusal of the impugned order does not reflect any perversity. The Court below enlarged respondent No.2 on bail primarily after taking into account that the injury attributed to him was only on the arm of injured Mandeep Singh, which as per MLR was firstly, with a blunt weapon and secondly, was not opined to be dangerous to life, besides his long incarceration and his failing health.

8. This Court, therefore, in the light of the aforementioned discussion, does not find any merit in the instant petition which stands dismissed accordingly.

09.08.2023

(MANJARI NEHRU KAUL)  
JUDGE

Vinay

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