

101

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

**CRM-M-6168-2023 (O&M)
Date of Decision: 16.02.2023**

Ajaib Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. L.S. Sidhu, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439(2) of the Code of Criminal Procedure for cancellation of anticipatory bail granted to respondent No.2 in FIR bearing No.213 dated 23.11.2021, under Sections 420, 406, 120-B IPC, registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner has submitted that when the earlier bail petition was pending before this Court and the matter was rather sent to the Mediation and Conciliation Centre of this Court and thereafter, even compromise was also effected between the complainant and the accused but the same was not honoured by the accused, who is respondent No.2 in the present case. He further submitted that vide order dated 27.09.2022, this Court had allowed the petition bearing CRM-M-820-2022 and since the money has not been paid by the accused/respondent No.2 to the complainant, the anticipatory bail is liable to be cancelled.

I have heard the learned counsel for the petitioner.

The allegation against the petitioner is with regard to the money

dispute. This Court on 27.09.2022 had allowed the anticipatory bail of respondent No.2 and a statement was made by the learned DAG, Punjab on instructions from ASI Amarjeet Singh that the petitioner has already joined investigation and he is fully co-operating with the investigation process and he is not required for custodial investigation, and therefore, the interim anticipatory bail earlier granted to respondent No.2 was confirmed. The aforesaid order dated 27.09.2022 is reproduced as under:-

“At the outset, Mr. Amit Rana, learned Senior DAG, Punjab has stated on instructions from ASI Amarjeet Singh that in pursuance of the order passed by this Court on 19.01.2022 the petitioner has already joined investigation and he is fully co-operating with the investigation process and he is not required for custodial investigation.

In view of the stand taken by the learned State counsel, the present petition is allowed and the order dated 19.01.2022 is hereby made absolute.”

It is a settled law that for the purpose of considering the cancellation of bail of a person, extreme caution has to be exercised and it would not be cancelled casually. The only grievance of the petitioner, who is the complainant, is that accused/respondent No.2 has not paid money to him despite the fact that a compromise has been effected.

This Court is of the view that the aforesaid submission cannot become a ground for cancellation of bail once the State itself had taken a stand that respondent No.2 has already joined the investigation and he is not required for custodial interrogation.

Consequently, finding no merit in the present petition and the same is, hereby, dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

16.02.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No