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

CRM-M-7001-2020 (O&M)

Date of decision : 21.12.2023

Prem Chand Gupta

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sahil Thakur, Advocate,
for Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab.

Mr. G.S. Virk, Advocate,
and Mr. Vikas Prakash, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Petition under Section 439(2) of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') has been filed for cancellation of pre-arrest bail granted to respondent No.2, vide order dated 20.09.2018 (P-3) in FIR No.05 dated 09.01.2018, under Sections 406 & 420 of the Indian Penal Code, 1860, registered at Police Station Ladhuwal, District Police Commissionerate, Ludhiana.

2. Contends that respondent No.2 has misused the concession of bail granted by this Court as he is threatening the petitioner time and again. Also submits that despite repeated requests, police is not taking any action to redress the grievance of petitioner.

3. *Per contra*, learned State counsel, on instructions, has apprised the Court that after completion of investigation, report under

Section 173 of the Cr.P.C. has already been presented before the Court

of competent jurisdiction and matter is pending for consideration of charges.

4. Learned counsel for respondent No.2, while opposing the petitioner, contends that the allegations levelled by the complainant-petitioner regarding misuse of concession are without any basis and there is no material to substantiate the same.

5. Heard learned counsel for the parties and gone through the paper-book.

6. Concededly, after completion of investigation, final report under Section 173 of the Cr.P.C. has already been submitted before the Court of competent jurisdiction and proceedings are pending for consideration of charges. In case, petitioner is receiving any threat at the hands of respondent No.2, he has the remedy under law; but at this stage, present petition is not an appropriate course to be followed.

7. In view of the above, there is no option except to dismiss the petition.

8. Ordered accordingly.

9. Needless to say that the above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present petition.

10. Pending application(s), if any, shall also stand disposed off.

21.12.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No