

2023:PHHC:089108

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211CRM-M-20518-2023
Date of Decision: 17.07.2023

Amar Singh..... Petitioner

Versus

State of Haryana and another..... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sudhanshu Sharma, Advocate for the petitioner.

Mr. Manish Bansal, Sr. D.A.G, Haryana.

Mr. Bobby Girdhar, Advocate for respondent No. 2.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
226	11.05.2022	Mahesh Nagar, District Ambala	406, 420, 507 IPC

The petitioner has come up before this Court under Section 439 (2) Cr.P.C for cancellation of anticipatory bail of respondent No. 2 in the above captioned FIR.

2. Counsel for the petitioner submits that none of the conditions of the order of this Court complied so far and prayed for cancellation of bail.

3. State counsel submits that the petitioner has not joined the investigation even at once and has not even come to furnish his bail bond before the investigator so far.

4. Vide order dated 12.07.2023, legal aid counsel was appointed on behalf of respondent No. 2 as notice issued to him received back unserved with the report that he left the address 10 years back and address furnished in the bail petition by the accused-respondent No. 2 was not the address where he is residing currently. Legal Aid Counsel on behalf of accused-respondent No.2 submits that he has gone through the file and although, the petitioner has not complied with the condition and but he be exempted to deposit an amount of Rs. 19 lakh.

5. Heard the counsel for the parties and I have gone through the record.

6. After protection from this Court, respondent No. 2 fails to join investigation or to comply with any of the condition. Even notice issued to him also received back unserved. Due to grant of bail to petitioner, this Court cannot ask the State to remain standstill or depend upon the mercy of accused to proceed further with the trial. This Court is of the view that respondent No. 2 does not deserve any concession.

7. Given above, the present petition is allowed and order dated 09.01.2023 is recalled and bail granted to respondent No. 2 stands cancelled. Liberty reserved to the petitioner to file a fresh bail application under Section 438 Cr.P.C itself if the petitioner is able to justify the reasons for which he could not join the investigation and also annexing the corroborating and supporting evidence. Legal Aid Counsel is entitled to fee as per rules. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.07.2023
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No