

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

CRM-M-24063-2022 (O&M)

Reserved on: 03.02.2023

Pronounced on: 24.03.2023

Tarlochan Singh

... Petitioner(s)

Versus

State of Punjab & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Lovepreet Singh Sidhu, Advocate for
Mr. Mehrab Singh Khaira, Advocate
for the petitioner(s).

Mr. Virat Rana, AAG, Punjab.

Mr. Jaswant Singh, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

Seeking cancellation of bail granted to respondent no.2 Kabal Singh by this Court vide order dated 18.4.2022 passed in CRM-M-15519-2022, the complainant has come up before this Court.

One of the reasons for cancellation of bail is non-disclosure of criminal history by the accused. In paragraph 10 of the bail application, the accused had declared that he had no criminal antecedents. However, as per the petitioner-complainant, FIR No.8 dated 13.3.2022 under Sections 447, 506, 427, 379 IPC had been registered against respondent no.2-accused in Police Station Bholath, District Kapurthala, which he did not disclose.

A perusal of the present FIR reveals that it was registered on 14.3.2022 and the FIR which the complainant referred was registered earlier. There is no evidence that the police tried to arrest or serve any notice under Section 41/41A CrPC. Thus, it would be unsafe to presume that the petitioner was aware of pendency of FIR no.8 dated 13.3.2022.

In paragraph 11 of the affidavit filed by the accused Kabal Singh in the present case, he has specifically stated that he would comply with all the conditions so imposed by this Court in order dated 18.4.2022.

I have heard learned counsel for the parties and gone through the record.

In the entirety of facts and circumstances of the case, this Court does not find any reason for cancellation of bail.

Accordingly, the petition is dismissed.

However, it is clarified that in case the accused Kabal Singh has not complied with any of the conditions, as prescribed in order dated 18.4.2022, he must do so by 15.4.2023 positively, failing which, the complainant shall have right to seek cancellation of bail on the ground of non-compliance of the conditions so prescribed in the order and bail shall be cancelled.

(ANOOP CHITKARA)
JUDGE

March 24, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No