

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

CRM-M-35320-2023

Date of Decision: 24.07.2023

Kamla Nayar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Satpal Bhasin, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439(2) read with Section 482 for Code of Criminal Procedure with a prayer for cancellation of anticipatory bail granted to respondent No.2 and for setting aside the order dated 22.08.2022 (Annexure P-5) passed by this Court in FIR No.586, dated 17.10.2021, under Sections 406, 420, 447, 506 & 120-B of the IPC, registered at Police Station Rai, District Sonapat.

2. Learned counsel for the petitioner has submitted that vide Annexure P-3, notice of motion was issued by granting interim bail to respondent No.2 and thereafter, vide Annexure P-5 on 22.08.2022, this Court had confirmed the anticipatory bail of respondent No.2 on the ground that respondent No.2 had joined the investigation and was fully co-operating with investigation process and as per the learned State counsel, he was not required for custodial interrogation. He further submitted that after the grant of bail to respondent No.2, he had been repeatedly building pressure upon the petitioner

that she should sell the plot to respondent No.2 otherwise she will face the dire consequences and referred to Para No.43 in this regard. He further submitted that even otherwise also the interim bail, which was granted vide Annexure P-3, was also erroneous in view of the fact that at the time of filing of the FIR, no partition proceedings were pending and it was only thereafter, in October, 2022, the partition proceedings were initiated and even otherwise also on merits, the order granting anticipatory bail to respondent No.2 was erroneous.

3. I have heard the learned counsel for the petitioner.

4. Learned counsel for the petitioner has raised two arguments. Firstly, respondent No.2 did not disclose this Court that the partition proceedings was initiated in October, 2022 after the lodging of the FIR and therefore, it was a concealment of fact. However, a perusal of the notice of motion order dated 24.03.2022 would show that it has been so stated by the learned counsel for respondent No.2 at that point of time that partition proceedings are pending adjudication. Even as per the learned counsel for the petitioner, the partition proceedings were initiated in October, 2021 and notice order was issued thereafter on 24.03.2022 and therefore, this Court does not see any concealment of any fact. The second argument which was raised by the learned counsel for the petitioner was that after the grant of anticipatory bail to respondent No.2, he had been building pressure upon the petitioner that she should sell the plot to him. However, a perusal of the present petition as well as hearing of the argument raised by the learned counsel for the petitioner, this Court is of the view that the allegations which have been made with regard to the building of pressure are vague and bald allegations and there is nothing specific in this regard.

5. During the course of arguments, this Court also raised a query to the learned counsel for the petitioner in case if at all there was some pressure, then did he inform the police in this regard or not, to which he could not reply and stated that last month the petitioner had approached the police but there is no document placed on record in this regard.

6. It is a settled law that although the Court has power to cancel the bail once it is granted, but the cancellation has to be done only when there are strong and cogent reasons with regard to the same. In the present case, vague allegation pertaining to building of pressure is no ground for cancellation of bail. The learned counsel for the petitioner has not been able to show any strong and cogent reason as to why the bail granted to respondent No.2 should be cancelled since the cancellation of bail involves serious consequences affecting life and liberty of an individual.

7. Consequently, this Court does not find any merit in the present petition and the same is hereby dismissed.

8. 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.

24.07.2023*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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