

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

292

CRM-M-39917-2021

Date of Decision: 23.01.2023

Mandeep Kaur**...Petitioner****Versus****State of Punjab and Another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Vivek Singla, Advocate for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab

Mr. Harparteek Singh Sandhu, Advocate for
respondent No.2

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 (2) of Code of Criminal Code, 1973, the petitioner is seeking cancellation of i) order dated 26.08.2021 (Annexure P-6) whereby respondent No.2 was granted interim anticipatory bail; ii) order dated 06.09.2021 (Annexure P-7) whereby application for grant of anticipatory bail was allowed and order dated 26.08.2021 was made absolute in case arising out of FIR No.24 dated 19.09.2016 (Annexure P-1) under Sections 406 & 498-A of IPC, registered at Police Station Women (S.A.S. Nagar), Mohali.

Mr. Vivek Singla, learned counsel for the petitioner does not dispute the fact that respondent No.2 has surrendered his passport with Investigation Agency. He further does not dispute the fact that challan

stands presented, charges stand framed and examination of prosecution witnesses is going on.

Mr. Harparteek Singh Sandhu, learned counsel for respondent No.2 submits that petitioner was extended concession of anticipatory bail vide order dated 06.09.2021 and till date he has not misused the concession of bail. He is regularly appearing before the Trial Court and facing trial. The respondent at present is on regular bail, thus, impugned order dated 06.09.2021 stands merged.

I have heard counsel for the parties and perused the record.

The respondent has undisputedly joined the investigation and only ground seeking cancellation of bail is that respondent was trying to abscond and an absconder cannot be granted concession of bail. The parameters of granting and cancellation of bail are totally different. Bail cannot be cancelled unless and until there is evidence of misuse of bail in the form of commission of similar or identical offence, tampering or destruction of evidences, threatening or winning over of witnesses etc. Bail already granted cannot be cancelled in a mechanical manner.

The State is not seeking cancellation of bail and petitioner has not brought on record any evidence disclosing misuse of concession of bail granted by learned ASJ, SAS Nagar (Mohali). Challan stands presented and trial is at the stage of examination of prosecution witnesses, therefore, there is no reason to cancel the bail already granted

by learned ASJ, SAS Nagar (Mohali). Being bereft of merit, the petition is dismissed.

(JAGMOHAN BANSAL)
JUDGE

23.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>