

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43096-2022 (O&M)
Date of decision: 04.07.2023

Mubina

...Petitioner

VS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr. Saurav Bhatia, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

None for respondents No.2 to 4, despite service.

ARUN MONGA, J. (ORAL)

This is a petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of regular bail granted to respondents No.2 to 4 by learned Judicial Magistrate First Class, Nuh vide order dated 19.05.2022 (Annexure P-2) in case FIR No. 257 dated 16.05.2022, registered under Sections 148, 149, 323, 324, 452, 506, 114, 201 IPC at Police Station Sadar Nuh, District Nuh.

2. Learned counsel for petitioner submits that after the registration of FIR contained at Annexure P-1, accused/respondents No.2 to 4 were arrested by the police on 17.05.2022. Thereafter, they filed an application for grant of regular bail and the same was allowed vide order dated 19.05.2022. While allowing the regular bail to respondents No.2 to 4, learned trial Court had given liberty to petitioner/complainant to seek cancellation of bail of accused persons if they again commit any such offence. After release on bail by learned trial Court, another FIR No.328 dated 09.06.2022 under sections 148, 149, 452, 307, 427, 114, 506 IPC and Section 25 of Arms Act

was registered against them. Thereafter, petitioner filed an application before learned trial Court for cancellation of regular bail but the same was dismissed vide order dated 13.06.2022 (Annexure P-4).

2.1 Learned counsel for the petitioner further submits that respondents No.2 to 4 have misused the concession of regular bail extended to them by learned trial Court and they are exercising pressure on the petitioner for compromise by giving threats of elimination to her and her family members.

3. I have heard learned counsel for the parties and gone through the case file.

4. No doubt, if new criminal offences are committed by accused while on bail, it may be a ground to cancel the bail already granted. However, in the instant case, it transpires that in subsequent FIR No.328 dated 09.06.2022 registered under Sections 148, 149, 452, 307, 427, 114, 506 IPC and Section 25 of Arms Act, the accused were arrested and got concession of bail, in accordance with law, by learned trial Court.

4.1. Furthermore, FIR No.328 *ibid* is not pertaining to the complainant party in any manner. Given that there is a stretched history of hostilities between the parties, the bald assertion of petitioner/complainant that respondents No.2 to 4 extended threats to eliminate her and her family members without any corroborating material on record, cannot be made a ground to reconsider the original bail decision.

5. Being so, I am of the opinion that for the subsequent offence, the law has taken its course and it would be rather harsh, at this stage, once again to incarcerate accused/respondents No.2 to 4 on the ground of

subsequent FIR by cancelling the bail granted in the earlier FIR, which is of much lesser offence.

6. In the totality of circumstances, no case of cancellation of bail is made out. Needless to say that parameters governing the cancellation of bail are in very narrow compass. It is only in those cases where there is likelihood of the accused fleeing the Court proceedings and/or otherwise being a social threat to the society, that this Court would interfere in cancelling bail already granted. Matters of liberty are not to be taken as lightly, as has been canvassed by learned counsel for petitioner/complainant.

7. As an upshot, no grounds for interference are made out.

8. Dismissed.

9. In the parting, I may hasten to add that cancellation of bail is a serious matter and can have significant impact on the life of a person. Matters of personal liberty ought not to be taken so lightly and the Courts have to be circumspect in accepting such requests in a mechanical manner.

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

(ARUN MONGA)
JUDGE

04.07.2023

Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No