

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

CRM-M-49284-2022 (O&M)

Date of decision: 06.07.2023

Arvind Kumar

...Petitioner

VS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner/complainant.

Ms. Svaneel Jaswal, Addl.A.G., Haryana.

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 respondent No.2-Yash alias Yashu by Ld. Sessions Judge, Narnaul vide order dated 11.10.2022 (Annexure P-5) in case FIR No.160 dated 26.06.2022 (Annexure P-1), under Sections 147/149, 427, 436, 285, 307, 302, 506, 120-B IPC at Police Station, Nangal Chaudhary, District Mahendergarh.

2. Learned counsel for petitioner submits that after the registration of FIR Annexure P-1, accused/respondent No.2 was arrested by the police on 28.06.2022. Thereafter, he filed an application for grant of regular bail and the same was allowed vide order dated 11.10.2022 (Annexure P-5). However, the said order is erroneous as the same was passed without considering the seriousness of offence and the fact that accused respondent No.2 can pressurize the petitioner, influence the investigation and may even commit cognizable offence.

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

4. 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.

5. Needless to say that parameters governing the cancellation of bail are in a very narrow compass. It is only in those cases where there is likelihood of the accused fleeing to delay 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.

6. 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, no offence has been committed by accused after the grant of concession of bail.

6.1. Furthermore, the bald assertion of petitioner/complainant that respondent No.2 may extend threats or pressurize the petitioner or influence the investigation without any corroborating material on record, cannot be made a ground to reconsider the original bail decision.

6.2. Being so, I am of the opinion that if any subsequent offence is committed by the accused, the law will take its course and it would be rather harsh, at this stage, once again to incarcerate accused/respondent No.2 on the bald assertions that the accused may commit a new offence.

7. In the totality of circumstances, no case of cancellation of bail is made out.

- 8. Dismissed.
- 9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 06, 2023
ashish

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