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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53847-2022

Date of Decision:- 21.03.2023

AMANDEEP KATARIA

...Petitioner

Vs.

ARUN CHAUDHARY AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ashit Malik, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

Mr. Rakesh Nehra, Senior Advocate
and Mr. Ankit Yadav, Advocate
for the respondent No. 1.

AMARJOT BHATTI, J. (Oral)

Petitioner – Amandeep Kataria has filed petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for the cancellation of anticipatory bail order dated 27.10.2022, Annexure P-3 granted by learned Additional Sessions Judge, Panipat in FIR No. 709 dated 08.10.2022, under Sections 376, 406, 498-A, 506, 511 and 313 of IPC, registered at Police Station City Panipat, District Panipat (Haryana).

Learned counsel for the petitioner argued that the complaint was filed to the police authorities, on the basis of which aforesaid FIR Annexure P-1 was registered. In that case, the respondent No. 1 applied for anticipatory bail before learned Additional Sessions Judge, Panipat and the learned Additional Sessions Judge, Panipat, vide order dated 18.10.2022

granted interim bail to respondent No. 1 which was later on confirmed on 27.10.2022. The copies of said orders are Annexure P-2 and P-3 respectively. Learned Additional Sessions Judge, Panipat has committed illegality in granting concession of anticipatory bail to respondent No. 1 when there were specific allegations against him. The anticipatory bail application of Umed Singh (father-in-law) was declined by learned Additional Sessions Judge, Panipat vide order dated 18.10.2022, which is Annexure P-4. The orders passed by learned Additional Sessions Judge, Panipat are inconsistent. It is prayed that the anticipatory bail granted in favour of respondent No. 1 may be cancelled considering the specific allegations and gravity of offence.

Notice was given to the respondents. Learned Senior Counsel for respondent No. 1 appeared in this case and opposed the application. Learned counsel representing the State has also filed detailed status report, where it is clarified that in this case Arun Chaudhary was granted anticipatory bail. After the presentation of challan, he is facing trial in this case. He has never misused the concession of bail granted in his favour. Therefore, there is no ground for the cancellation of anticipatory bail already granted in favour of respondent No. 1.

I have considered the arguments and have gone through the record carefully. Admittedly, the respondent No. 1 was initially granted interim bail in FIR No. 709 dated 08.10.2022 and thereafter, the said interim bail was confirmed by passing order dated 27.10.2022, Annexure P-3. After the grant of bail, there is nothing on record that the respondent No. 1 violated any of the condition as provided under Section 438 (2) Cr.P.C. On the other hand, as informed by learned counsel representing the

the respondent No. 1 is facing trial. Considering the aforesaid factual position, I do not find merits in the petition filed by the petitioner. The concession of bail already granted in favour of respondent No. 1 cannot be set aside in routine manner unless and until there are some compelling circumstances. With these observations, the petition filed by the petitioner is accordingly, declined.

21.03.2023
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(AMARJOT BHATTI)
JUDGE

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