

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

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2023:PHHC:148086

Criminal Revision No.2664 of 2023

Date of decision: November 20th, 2023

Shakti Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is impugning the order dated 19.09.2023 passed by learned Additional District and Sessions Judge, Rohtak, whereby the application filed by respondent No.2 for grant of regular bail has been allowed.

2. Learned counsel for the petitioner, *inter alia*, submits that the respondent-accused has been erroneously granted the concession of regular bail by the Court below without proper appreciation of the evidence on record and still further, the impugned order is a non-speaking one which thus, deserves to be set aside.

3. Learned counsel for the petitioner has further asserted that respondent-accused had been directed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5982/2023 vide order dated 16.05.2023 to surrender before the trial Court within four weeks. Despite these directions, the respondent-accused failed to surrender within the specified period and was consequently arrested by the police on 05.08.2023. It has been argued that the failure of the respondent-accused to surrender on time should also have been considered by the trial Court while extending the concession of regular

bail to him.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. Cancellation of bail is governed by certain settled principles of law; bail granted to an accused can be cancelled only in two situations (i) when a perverse order has been passed by the Court while granting bail (ii) when there has been some misuse/breach of conditions of bail by an accused.

6. However, in the instant case, on a pointed query put to the learned counsel for the petitioner as to whether the respondent-accused had misused the concession of bail or had breached any of the conditions, which may have been imposed upon him by the Court while extending the concession of bail to him, he has fairly replied in the negative. Though, at the same time, he has contended that since the respondent was the prime accused, being the main conspirator in the crime in question, as it was he, who had prepared a fake power of attorney in favour of one Arjun Vats, he did not deserve the concession of bail.

7. This Court further does not find any merit in the contentions of the counsel for the petitioner qua the impugned order being a non-speaking and a non-reasoned one. Rather, a perusal of the impugned order dated 19.09.2023 reveals that while granting the concession of bail to the accused, the Court below had considered the nature of the offence as well as the fact that case was based on documentary evidence. Furthermore, the Court below also took into account that the offences alleged against the respondent were triable by a Magistrate and the investigation in the case in hand was complete.

8. Lastly, the learned counsel for the petitioner has failed to satisfy this Court as to how a revision petition would be maintainable against the impugned order granting bail in view of the fact that the latter is an interlocutory order, against which no revision would lie.

9. The instant petition, being devoid of any merit, stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 20th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No