

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.107

CRM-M-57080-2023

Date of decision:14.11.2023

Rajeev Gupta

...Petitioner

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 439(2) Cr.P.C. with a prayer to cancel the anticipatory bail granted to respondent No.2 by this Court vide order dated 27.09.2018 (Annexure P-6) in CRM-M-34017-2018 in case FIR No.21 dated 08.01.2018 registered under Section 120-B/420/467/468/471/506 IPC at Police Station Karnal City, District Karnal.

2. Learned counsel for the petitioner contends that respondent No.2 was granted the concession of anticipatory bail by this Court vide order dated 27.09.2018 (Annexure P-6) and a specific condition was imposed by this Court that the petitioner would not indulge in any criminal activity in any way and shall not influence the witnesses or otherwise interfere with the fair trial. He further submits that after the said order, one more case, i.e. FIR No.302 dated 18.02.2023 under Sections 323/451/506/509 IPC at Police Station Civil Lines, Karnal, has been registered against respondent No.2. Learned counsel submits that since respondent No.2 has violated the condition of bail, the concession of bail granted by this Court vide order Annexure P-6, is liable to be withdrawn by this Court.

3. I have heard the learned counsel for the petitioner and perused the case file minutely.

4. It is apparent from the record that the concession of bail was granted to respondent No.2 on 27.09.2018. There is no allegation by the petitioner that in the last 5 years, respondent No.2. either tried to threaten or intimidate the witnesses of the case or hampered the proceedings before the trial Court in any manner. Apart from that, from a perusal of Annexure P-7, it is apparent that respondent No.2 had a dispute with his tenant and there was a minor scuffle between them and as a consequence thereof, one FIR No.302 dated 18.02.2023 under Sections 323/451/506/509 IPC at Police Station Civil Lines, Karnal was registered against respondent No.2, on the basis of the complaint moved by one of family member of the tenant. Thus, it cannot be said by any stretch of imagination that the petitioner had involved in other criminal activities. Only a minor scuffle had taken place between respondent No.2-landlord and his tenant and thus, the same cannot serve as a ground for cancellation of bail granted to respondent No.2 by this Court. Even otherwise, the petitioner or any other witness had no connection or concern with the dispute between respondent No.2 and his tenant. Further, the order cancelling the bail would be a harsh order and question of liberty of an individual is involved; consequently, such order should not be passed in routine.

5. In view of the above, the present petition is dismissed, being devoid of any merits.

(N.S. SHEKHAWAT)
JUDGE

14.11.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO