

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

112

2023:PHHC:157766

CRM-M-61698-2023

Date of decision: December 7th, 2023

Sahir Singh Virk

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveender P.K. Singh, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking cancellation of interim bail granted to respondent No.2 vide order dated 29.11.2023 (Annexure P-17) by the learned Additional Sessions Judge, Chandigarh in case FIR No.57 dated 03.05.2023 registered under Sections 420 467 468 471 and 120-B of the IPC registered at Police Station Sector-17, Chandigarh.

2. Learned counsel for the petitioners, *inter alia*, contends that subsequent to the receipt of report from CFSL, Gujarat, offences under Sections 467, 468, 471 of the IPC had been added to the FIR in question. Learned counsel has asserted that the trial Court, however, had erroneously extended the concession of anticipatory bail vide order dated 29.11.2023 and hence, the concession of bail granted to the petitioner deserved to be cancelled. While drawing the attention of this Court to the impugned order annexed as Annexure P-17, it has been further submitted that the trial Court had committed grave illegality while passing the impugned order despite there being overwhelming material on record pointing towards the guilt of the respondent-accused,

which now stood further fortified from the report received from CFSL, Gujarat, confirming that a forgery had been committed by her. It has been submitted that not only was the impugned order a non-speaking one but the Court below also failed to take into account that the accused-respondent was a big flight risk, who had, as on date, neither joined investigation nor furnished bail bonds.

3. Notice of motion.

4. Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh, accepts notice on behalf of respondent No.1.

5. Learned counsel for the U.T. has informed the Court, on instructions, that the interim order dated 29.11.2023 has not yet been made absolute. It has been submitted that when the matter comes up before the trial Court, the trial Court would be duly apprised about the report received from the CFSL, Gujarat.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner is seeking cancellation of the interim bail granted to respondent No.2-accused vide order dated 29.11.2023 (Annexure P-17). As not disputed by either of the parties, the interim order passed by the trial Court has not yet been made absolute.

8. However, still further on a pointed query put to the learned counsel for the petitioner as to whether the respondent-accused had misused the concession of interim bail granted to her or if there had been any breach of the conditions imposed upon her by the trial Court, he has feigned ignorance qua the same. When a pointed query was put to learned counsel for U.T. qua any misuse of the concession of bail by the respondent-accused after being granted the said concession on

29.11.2023, he, on instructions, has informed the Court that no such report had been received by the investigating agency so far.

9. Furthermore, since impugned order is interim in nature and has not yet become absolute, this Court would not be inclined to accept the prayer of the petitioner as no ground is made to interfere with the impugned order at this stage.

10. The instant petition, therefore, stands dismissed.

11. 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.

December 7th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No