

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

CRM-M-8820-2024 (O&M)
Date of Decision: 06.03.2024

Naresh Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Malkit Kaur, Advocate,
 for the petitioner.

MAHABIR SINGH SINDHU. J.

Present petition has been filed, under Section Section 439(2) of Code of Criminal Procedure, 1973 for cancellation of order dated 08.01.2024 (P-4) *vide* which respondent No.2 was granted bail pending trial by learned Additional Sessions Judge, Hisar in FIR No. 752 dated 29.09.2023 registered under Section 306 read with Section 34 IPC and Section 2(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station, Azad Nagar, District Hisar.

2. The FIR in question was registered on the statement of complainant that on 29.09.2023, his son Sumit committed suicide on the instigation of his wife Ritu (respondent No.2).

3. Learned counsel for petitioner contends that learned Additional Sessions Judge failed to consider the gravity of matter and granted bail pending trial to respondent No.2 only within 3 months of the custody.

4. Heard learned counsel for the petitioner and perused the paper-book.

5. In *State (Delhi Administration) Versus Sanjay Gandhi (1978) 2 SCC 411*, a three-Judge Bench of Hon'ble the Supreme Court made the following elemental distinction in defining the nature of exercise while cancelling the bail:-

“Rejection of bail when bail is applied for is one thing; cancellation of bail already granted is another. It is easier to reject a bail application in a non-bailable case than to cancel a bail already granted in such a case. Cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.”

6. Learned Additional Sessions Judge while granting bail to respondent No.2 observed as under:-

“I have considered the arguments. There are contentions and rival contentions. However, the present is not a stage to delve deep into the merits of the case. The applicant is a female and stated to be only 18 years of age on the date of occurrence. It is not pointed out by learned Public Prosecutor for State or even in the reply filed by the State if the applicant is involved in any other case. She is in custody since 13.10.2023. Investigation is already complete and challan has been presented. Trial of the case is likely to take time for its conclusion. In the facts of the case, I am of the view that further detention of the applicant in judicial custody for unlimited period shall not be appropriate. Hence, the present bail application is hereby allowed and the applicant is admitted to bail on furnishing requisite bonds in the sum of Rs.50,000/- with one

surety in the like amount to the satisfaction of this Court/Duty Judge, Hisar. Papers be tagged with the main case file.”

7. Perusal of the file reveals that as on the date of deciding bail application, challan/report under Secytion 173 Cr.P.C., had already been presented and it was specifically observed that trial was likely to take time for conclusion. Moreover, there are no supervening circumstances pointed out by learned counsel for petitioner warranting cancellation of bail granted to respondent No.2. She is regularly appearing before the learned trial Court. There is no allegation that she is likely to misuse the concession of bail or hamper the proceedings in any manner; therefore, in the opinion of this Court, learned Additional Sessions Judge has granted bail after due consideration of the matter and no interference is required.

8. In view of the above, there is no option, except to dismiss the present petition.

9. Ordered accordingly.

10. Pending application(s), if any, shall also stand disposed off.

06.03.2024

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No