



CRM-M-13318-2022 (O&M)

1

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

**CRM-M-13318-2022 (O&M)
Date of Decision:30.09.2024**

Shiv Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. H.C. Arora, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Ms. Harpreet Kaur Gill, Advocate for respondent No.5.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C praying for cancellation of regular bail allowed to respondent No.5 by learned Additional Sessions Judge, Patiala vide Annexure P-3 in case FIR No.02 dated 04.01.2022 registered under Sections 379-B/458/34 IPC at Police Station City Samana, District Patiala.

2. Learned counsel for the petitioner submitted that in the present case learned Additional Sessions Judge, Patiala, had granted regular bail to respondent No.5 on 08.02.2022 and the same is liable to be cancelled on the ground that respondent No.5 had concealed material facts from the Court below that there was another FIR bearing No.06 dated 08.01.2022 under the Arms Act was also pending with regard to the same incident and two pistols were also recovered and consequently the bail granted to respondent No.5 is required to



be cancelled.

3. On the other hand, learned State counsel submitted that when the present FIR in which the petitioner is seeking cancellation of bail, was registered, another FIR bearing No.06 dated 08.01.2022 under the Arms Act was also registered and vide Annexure P-3 respondent No.5 was granted regular bail by learned Additional Sessions Judge, Patiala and so far as the cancellation of bail in the present case is concerned, the order was passed about two and a half years ago and as per instructions, respondent No.5 has not violated any of the condition of the bail and therefore, appropriate order may be passed in this regard.

4. Learned counsel appearing on behalf of respondent No.5 submitted that mere fact that another FIR was pending against respondent No.5 at the time of deciding the bail application cannot become a ground for cancellation of the bail in the present case. He further submitted that second FIR was lodged as a result of series of investigation related to the present FIR, the same could not have been lodged and even otherwise also, the petitioner is seeking cancellation of regular bail in the present case which was granted by the Additional Sessions Judge, Patiala, two and a half years ago and there is no violation of the terms and conditions of the bail by respondent No.5 and has therefore, prayed for dismissal of the present petition.

5. I have heard learned counsels for the parties.

6. The petitioner is seeking cancellation of regular bail in the present case vide Annexure P-3 which was passed by learned Additional Sessions Judge, Patiala, about two and a half years ago i.e. on 08.02.2022. The only argument which was raised by learned counsel for the petitioner was that when

**CRM-M-13318-2022 (O&M)**

3

the aforesaid bail was granted by the learned Additional Sessions Judge, Patiala, it was not disclosed that respondent No.5 was involved in another case under the Arms Act which arose from investigation in the present case.

7. This Court is of the considered view that prayer for cancellation of bail involves the Right to Freedom, which is a precious right, and the Court should normally not cancel or annul the bail orders unless there are very extreme circumstances. In the present case, the petitioner was granted regular bail by learned Additional Sessions Judge, Patiala, more than two and a half years ago and as per learned State counsel as well as learned counsel for respondent No.5, there has been no violation of the conditions of the bail.

8. The mere fact that at the time of grant of bail, learned Additional Sessions Judge, Patiala, was not apprised of the pendency of another FIR cannot become a ground for cancellation of the bail.

9. Finding no merit in the present petition, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

30.09.2024*shweta*

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