

CRM-M-18715-2023

2024:PHHC:163716



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

(204)

**CRM-M-18715-2023 (O & M)
Date of Decision:-09.12.2024**

Jagrup Singh

.....Petitioner.

Vs.

State of Punjab and anr.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Simranjot Singh, Advocate, with
Mr. Lupil Gupta, Advocate, for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Chahit Bansal, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition under Section 439(2) Cr.P.C. is for cancellation of regular bail granted to the accused-respondent No.2 vide order dated 15.09.2022 passed in CRM-M-32251-2022 in case FIR No.215 dated 31.10.2020 under Sections 336, 148, 149 IPC and Sections 25/27/54/59 of the Arms Act, 1959 and later on added Sections 307, 326, 201 IPC.

2. The learned counsel for the petitioner contends that the petitioner was granted the concession of bail vide order dated 15.09.2022 (Annexure P-2). After being granted the said concession, he had violated certain conditions imposed by this Court inasmuch as he had involved



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himself in other cases and had also threatened the complainant party.

Therefore, the bail granted to him was liable to be cancelled.

3. The learned counsel for the State has filed a status report dated 03.12.2024 by way of an affidavit of Gamdoor Singh, PPS, Deputy Superintendent of Police, Sub-Division Budhladha, District Mansa, which is taken on record. While referring to the said reply, he contends that though, the petitioner had moved an application before the office of the Senior Superintendent of Police, Mansa regarding issuance of threats by the respondent No.2, no evidence was available regarding the issuance of such threats. He, however, concedes that pursuant to the grant of bail, respondent No.2 had involved himself in two other cases.

4. The learned counsel for the respondent No.2, on the other hand, contends that the two other cases had been registered at the instance of associates of the present petitioner in order to get cancelled the bail granted vide order dated 15.09.2022. Therefore, the present petition was liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. When the respondent No.2 was granted the concession of bail vide order dated 15.09.2022 (Annexure P-2), the following conditions were imposed upon him:-

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the



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present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

12. In addition, the petitioner shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

7. Though, two other cases have been registered against the respondent No.2 after 15.09.2022 that fact *ipso facto* cannot lead to cancellation of bail in the absence of any other material.

8. As regards attempts to threaten and pressurize the complainant party, Para 9 of the affidavit dated 03.12.2024 is reproduced hereinbelow:-

9. That it would be pertinent to mention here that petitioner had moved an application dated 21.03.2023, before the office of S.S.P. Mansa, regarding passing of threats by the Respondent No.2, which was enquired by the answering deponent. From the enquiry proceedings, it has come on record that both the parties had registered case/FIR(s) against each other and now both the parties are moving applications against each other. However, no evidence regarding passing of threat to the petitioner by Respondent No.2 was presented by the petitioner and as per report submitted by the Police authorities of Police Station Boha, it was found mentioned therein that in compliance of the orders passed by this Hon'ble Court, Respondent No.2 is securing his presence in the police station on every Monday. In view of the above stated facts application moved by the petitioner against Respondent No.2 was recommended to be consigned, which was consigned vide the orders of S.S.P. Mansa.

However, as Respondent No.2 is found actively involved in criminal activities, leading to registration of 02 case/FIR's against him, in these circumstances, regular bail granted to the



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petitioner is required to be dismissed.

Hence, the present status report is presented before this Hon’ble Court, with the request that the above said petition may kindly be dismissed qua the answering respondent.

9. Apparently, the police found no evidence of the issuance of any threats by or at the instance of the respondent No.2.
10. In view of the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 09, 2024
sukhpreet

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