



101 (3<sup>rd</sup> case)

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

**CRM-M No.32722 of 2019 (O&M)  
Date of Decision: 16.05.2024**

Neeraj Jain

..... Petitioner

*Versus*

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Nitin Jain, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Mr. Abhilaksh Grover, Advocate for respondent No.2.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 439 (2) of the Code of Criminal Procedure, 1973 read with Section 482 Cr.P.C. for cancellation of pre-arrest bail, granted to respondent No.2 by learned Additional Sessions Judge, Palwal, vide order dated 27.02.2019 (P-2) in FIR No.222 dated 30.03.2018, under Sections 120-B, 201, 406, 420, 465, 467, 468, 471 & 506 of the Indian Penal Code, 1860, registered at Police Station Sadar, District Palwal.

(2) The FIR in question was registered on the statement of complainant-Neeraj Jain, who is Director of Namo Alloys Pvt. Ltd., with the allegations that an amount of Rs.23,00,000/- has been usurped by respondent No.2 in connivance with co-accused Ritesh Jaju.



(3) Learned Counsel for petitioner contends that allegations are very serious and complicity of respondent No.2 is apparent; yet he was granted the pre-arrest bail by learned Additional Sessions Judge on 27.02.2019.

(4) Heard learned counsel for the parties 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) There is/are no supervening circumstance(s) pointed out by learned Counsel for petitioner warranting cancellation of bail granted to respondent No.2 wayback on 27.02.2019. Moreover, he is regularly appearing before learned trial Court and there is no allegation that respondent No.2 has misused the concession of pre-arrest bail or hampered the proceedings in any manner. Apart that respondent No.2 had joined investigation and he does not dispute receiving of money; rather claims that same was paid on account of purchase orders. Therefore, in the opinion of this Court, learned Additional Sessions



Judge had granted bail after due consideration of the matter and no interference is required.

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

(8) Ordered accordingly.

(9) It is clarified that above observations be not construed as an expression of opinion on merits of the case in any manner.

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

16<sup>th</sup> May, 2024  
Gagan/v

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |