



217 (02 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-32279-2023

Sahib Singh @ Sahab Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents
2.

CRM-M-32536-2023

Sahib Singh @ Sahab Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents

Date of decision : 20.11.2024

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

Mr. S.K.Sirsa, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

1.

By way of this common order, I intend to decide the abovesaid two petitions as they have arisen out of the same FIR.
2.

Present petitions have been filed praying for cancellation of regular bail granted to respondent No.2 namely Prem Chand in CRM-M-32279-2023 and Kashmir Chand in CRM-M-32536-2023 vide orders dated 19.05.2021 and 07.01.2021 passed in CRM-M-4290-2021 and CRM-M-39882-2021, respectively, in case FIR No.297 dated 13.08.2020 under Sections 323, 341, 506, 34 IPC (offence under Section 307 IPC added lateron), registered at Police Station Sadar Fatehabad, District Fatehabad as



respondent No.2 misused the concession of bail.

3. The petitioner, namely, Sahib Singh @ Sahab Singh is the complainant at whose behest the FIR No.297 dated 13.08.2020 was registered. Learned counsel for the petitioner has submitted that respondent No.2 in both the petitions have been granted bail by this Court vide order dated 19.05.2021 and 07.01.2021, respectively. He submits that, however, after having been granted the bail, respondents, namely, Prem Chand and Kashmir Chand, have been threatening the petitioner to compromise the matter. He submits that he approached the respondent-State regarding the redressal of his grievance, however, no action has been taken on the same. He also submits that the case was taken up by the trial Court on 14.10.2024, wherein 02 prosecution witnesses were present, however, on the request of learned defence counsel, both the witnesses present, could not be examined. He, thus, submits that the respondents are misusing the concession of bail granted by this Court and thus, the same may kindly be cancelled.

4. Learned counsel for respondent No.2/complainant, however, vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the allegations made are totally without any basis and no threat whatsoever has been extended by the respondents, namely, Prem Chand and Kashmir Chand. He submits that the petition under Section 319 Cr.P.C. was filed by the prosecution, which has now been dismissed. He thus, submits there being no ground for cancelling the bail, the petitions being devoid of any merit, deserve to be dismissed.

5. Learned State counsel has submitted before this Court that no complaint whatsoever regarding threatening to the petitioner has been received by the State. He submits that the case is fixed for recording of the evidence before the trial Court on 16.01.2025. He submits that every



protection would be provided to all the witnesses including the petitioner to ensure the free and fair trial. He submits that in all there are 12 prosecution witnesses but no one has been examined as on date.

6. Heard. On hearing learned counsel for the parties, it is apparent that the precise grievance raised by the petitioner is that he has been pressurized to compromise the case for which he is not ready. However, there is no record whatsoever regarding any application filed. In view of the record available, this Court finds that the bail granted to the respondents has not been misused and thus, both the petitions are dismissed.

7. However, this Court finds that it is the duty of the respondent-State to ensure the free and fair trial and thus, the respondent-State is directed to take into consideration the grievances raised by the counsel for the petitioner to ensure the free and fair trial.

8. Photocopy of this order be placed on the file of other connected cases.

(RAJESH BHARDWAJ)
JUDGE

20.11.2024
ps-I

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