



CRM-M-31439-2024

-1-

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

CRM-M-31439-2024
Decided on : 15.07.2024

Satish

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.P.S.Bajwa, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 439(2) Cr.PC r/w Section 482 Cr.P.C., for cancellation of anticipatory bail granted to respondent No.2 in case FIR No.218 dated 02.10.2023 under Sections 419, 420, 506 and 34 IPC registered at Police Station Alewa, District Jind vide order dated 23.10.2023 (Annexure P-6) and order dated 30.10.2023 (Annexure P-7) vide which the said order was made absolute.

2. Learned counsel for the petitioner/complainant has contended that learned trial Court erroneously granted the concession of bail to respondent No.2-accused vide impugned order, without properly appreciating the material on record. It has been asserted that the trial Court failed to recognize that the respondent-accused while initially presenting himself as the owner of M/s Star Makers Company, induced the petitioner to invest in the Company. However, in his bail



petition, the respondent-accused falsely claimed to be merely an investor and not a shareholder. Learned counsel has placed reliance on the call recording annexed as Annexure P-1 to support his submissions. Furthermore, it has been argued that although the respondent-accused claimed himself to be a victim also, alleging that two cheques given to him by the Company were dishonoured, his collusion with the other accused is evident from his failure to take any legal action against the Company including filing a complaint under The Negotiable Instruments Act. While drawing the attention of this Court to a bank statement annexed as Annexure P-4, it has been further submitted that it is a matter of record that the petitioner had transferred different sums of money into the account of respondent-accused on two separate dates: Rs.2,90,000/- on 08.10.2022 and Rs.2,00,000/- on 09.10.2022.

3. On a specific query put to the learned counsel for the petitioner as to whether the respondent-accused had misused the concession of bail, he failed to substantiate the same with any concrete evidence.

4. I have heard learned counsel for the petitioner and perused the material available on record.

5. It is well settled that pre-trial detention is not intended to punish the accused but to ensure compliance with the legal process. Bail is granted not as a punishment but to secure the appearance of the accused at trial. Therefore, granting bail should be the norm, and



CRM-M-31439-2024

-3-

cancellation of bail should be reserved for exceptional circumstances where there is a significant breach of bail conditions.

6. Once bail has been granted, Court should exercise great caution in cancelling it unless there is substantial material brought on record indicating that the accused has breached the bail conditions, attempted to tamper with evidence, influenced witnesses or is likely to flee or evade proceedings before the trial Court. In the instant case, learned counsel for the petitioner has not brought any supervening circumstances to the notice of this Court that would indicate that the respondent-accused has misused his liberty, tampered with evidence, influenced the witnesses or is likely to abscond.

4. In the light of the above, no ground is made out to accept the prayer made by the counsel for the petitioner. Accordingly, the instant petition stands dismissed.

15.07.2024

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Whether speaking/reasoned:

Whether reportable :

(MANJARI NEHRU KAUL)

JUDGE

Yes/No

Yes/No