

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.42804 of 2019  
Date of decision: 15<sup>th</sup> January, 2024

Manbir Singh @ Manna

... Petitioner

Versus

State of Punjab & another

... Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Ms. Dolly Sharma, Advocate for  
Mr. Sandeep S. Majithia, Advocate the petitioner.  
Mr. Mohit Kapoor, Addl. Advocate General, Punjab  
for the respondent/State.  
Mr. Umesh Aggarwal, Advocate for respondent No.2.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The instant petition has been filed under Section 439(2) read with Section 482 of the Cr.P.C. seeking cancellation of regular bail granted to respondent No.2 by the Court of learned Additional Sessions Judge, Amritsar in FIR No.52 dated 29.04.2011 under Sections 323, 324, 325, 326, 506, 148, 149 of the IPC registered at Police Station Chherratta, District Amritsar.

2. Learned counsel appearing on behalf of the petitioner/complainant, while drawing the attention of this Court to Annexure P-2, inter alia contends that the respondent No.2/accused was extended the concession of anticipatory bail by the trial Court on 09.06.2011, however, subsequently, he absconded during trial as a result of which he was declared a proclaimed offender. Both the co-accused, however, faced trial

and were subsequently convicted by the trial Court. After the respondent No.2 was apprehended by the police, he was, vide order dated 03.04.2019 of the trial Court, again enlarged on bail without taking into account his antecedents. It has been further submitted that on account of the respondent No.2 being extended the concession of bail, an application under Section 439(2) of the Cr.P.C. was moved before the trial Court, however, the prayer was erroneously declined vide the impugned order.

3. On a pointed query put to the learned counsel as to whether the respondent No.2 had in any manner, misused the concession of bail granted to him vide impugned order, or if the respondent/accused had violated any of the conditions imposed upon him while being enlarged on bail, she has very fairly replied in the negative.

4. Learned State counsel, on instructions, has not disputed the factum of respondent No.2 having been declared a proclaimed offender and also having absconded for a period of six years. However, on a pointed query put to the learned State counsel as to whether the respondent No.2 had misused the concession of bail which had been granted to him vide impugned order, he on instructions, has replied in the negative. It has been brought to the notice of this Court by the learned State counsel that after the respondent No.2 had been re-arrested on 03.04.2019, supplementary challan was presented against the respondent No.2 on 01.05.2019 and thereafter, charges were framed on 12.06.2021; the respondent No.2 had been regularly appearing before the learned trial Court and had never absented himself during the trial.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Once the concession of bail has been granted, the Court must exercise extreme caution before considering its cancellation. The decision to cancel bail should be exercised with a great deal of circumspection, only when there is some evidence or material brought to the fore that the accused, subsequent to being granted bail, has abused the liberty bestowed upon him by interfering with the course of investigation and has violated the conditions imposed upon him. It is imperative to observe that merely because the accused was declared a proclaimed offender in the past cannot be a sufficient ground for cancellation of bail. This is particularly true if following his re-arrest and subsequent release on bail, the accused has regularly attended the Court proceedings without any misuse of the concession granted to him.

7. In the instant case, the petitioner has failed to present any material that would justify invoking the discretion of this Court under Section 439(2) of the Cr.P.C.

8. Dismissed.

(MANJARI NEHRU KAUL)  
JUDGE

January 15, 2024  
*rps*

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