



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-45666-2024
Date of decision: September 13th, 2024

Kamaljit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Farhad Kohli, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking cancellation of regular bail granted to respondent No.2 vide order dated 21.08.2024 passed by learned Additional Sessions Judge, Jalandhar, in case FIR No.55 dated 20.06.2024 under Sections 406, 420, 120-B of the IPC registered at Police Station Division No.4, District Police Commissionerate Jalandhar.

2. Learned counsel for the petitioner contends that, despite the fact that the trial Court was duly intimated about the involvement of the respondent in other criminal cases, including a similar case registered in Delhi, where proceedings under Section 82 of the Cr.P.C. had been initiated, the learned trial Court while passing the impugned order, turned a blind eye to the same. The trial Court, as per the learned counsel, failed to consider the criminal antecedents of the respondent and the seriousness of the offence, and still proceeded to grant him regular bail. It has been further argued that the trial Court did not even mention about the involvement of the respondent in a criminal case in

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Delhi in its impugned order. Learned counsel has argued that on this ground alone, the bail granted to respondent No.2 ought to be cancelled. The petitioner in support has placed reliance upon judgment of Hon'ble the Supreme Court in *Criminal Appeal No.883 of 2021* titled as *Harjit Singh Versus Inderpreet Singh @ Inder and another*.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Upon a perusal of the impugned order, it stands revealed that the learned trial Court granted regular bail under Section 439 of the Cr.P.C. to respondent No.2, after duly considering the facts and circumstances of the case, including the nature of offence, which is triable by a Magistrate, and the period of custody undergone by respondent No.2. It is pertinent to highlight that mere pendency of other criminal cases against a person does not automatically disqualify him/her from seeking bail. Each case must be adjudicated on its own facts and merits, and the trial Court, in this instance cannot be said to have exercised its discretion inappropriately.

5. On a pointed query put to the learned counsel for the petitioner as to whether any threats had been extended by respondent No.2 after being granted the concession of bail vide impugned order, the learned counsel has responded in the negative.

6. A Court's decision to grant bail to an accused should be based on a thorough assessment of the details of the allegations, the nature of the offence, and available evidence. Bail cannot be denied solely due to the severity of the charges or the number of cases, unless

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specific reasons like the risk of tampering with evidence or absconding are evident. Without such supervening factors, the Court should not cancel the concession of bail which has been granted to an accused.

7. The petitioner has placed reliance upon *Harjit Singh's case (supra)*, however, the facts in that case involved an offence under Section 302 of the IPC and the bail granted to the accused had been cancelled due to the threat extended to the complainant therein. In contrast, in the present case, the offences are triable by a Magistrate, and as not disputed by the learned counsel for the petitioner, no threats have been extended to him by respondent No.2 nor is there any allegation that respondent No.2 has breached any condition of the bail.

8. It would be apposite to reproduce the observations made by Hon'ble the Supreme Court in *Prabhakar Tewari Versus State of Uttar Pradesh and another (2020) 11 Supreme Court Cases 648*, which are as under:-

“7. On considering the submissions of the learned counsel for the parties. Having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in the case of Mahipal for testing the legality of an order granting bail are absent in the order impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis



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for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed.”

9. In the facts and circumstances as enumerated hereinabove, the instant petition stands dismissed.
10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No