

2024:PHHC:022866

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

299

CRM-M-54043-2022 (O&M)
Date of decision : 09.01.2024

Naresh Dilawari Petitioner

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Petitioner in person.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Deepak Goyal, Advocate
for respondents No.2 to 5.

Mr. Yogesh Goel, Advocate
for respondent No.6.

Mr. Kulwinder Singh, Advocate with
Ms. Shristhi, Advocate
for respondent No.7.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. seeking cancellation of pre-arrest bail granted to accused/respondents No.2 to 5 by this Court vide order dated 24.07.2017 in FIR No.38 dated 24.02.2016, registered for the offences punishable under Sections 420, 120-B and 506 of IPC (Sections 465, 467, 468, 471 and 201 of IPC added later on) at Police Station Division No.7 (Vardhman), Ludhiana. Further prayer for initiating contempt of court proceedings against respondent No.2 to 7 claiming that they actively conspired in managing cancellation report by bribing the police

2024:PHHC:022866

officials and getting illegal financial benefits.

2. Counsel for the respondents have challenged the locus of the petitioner to file the present petition. It has been argued that petitioner is neither the complainant nor any eye witness in the FIR in question and thus has no locus to maintain the present petition. Furthermore, it has been contended that in the enquiry conducted by the police officials, cancellation of FIR already stands recorded and the same was conveyed by respondent No.7. On the basis of which pre-arrest bail was confirmed vide order dated 24.07.2017 and respondent No.7 has no other role, he is neither I.O. nor has anything to do with the matter. Later on, the enquiry report was not finally approved by the then Commissioner of Police, Ludhiana and the challan was presented. The complainant Baldev Krishan moved applications seeking cancellation of bail granted vide order dated 24.07.2017 (Annexure P-1). The said petitions i.e. CRM-M-28569-2017 and CRM-M-28581-2017 were dismissed by this Court vide order dated 22.03.2022, observing as under:-

“After hearing learned counsel for the parties, considering the fact that the respondents-accused were granted the concession of anticipatory bail on 24.07.2017 and they are regularly appearing before the trial Court and facing trial and even charges have now been framed, no ground is made out to cancel the bail.

Accordingly, the present petitions are dismissed.”

3. Petitioner is neither the complainant nor victim in the present case. On being asked as to what locus the petitioner has to

2024:PHHC:022866

maintain the present petition, it has been claimed that respondent No.6 through respondents No.2 to 5 is getting repeated complaints filed against the petitioner. Thus, the petitioner being aggrieved of the actions of respondents No.2 to 5, can maintain the present petition seeking cancellation of their bail.

4. During the course of argument, it has come to light that petitioner and respondent No.6 were earlier working together and owing to professional differences, they have fallen apart.

5. In the considered opinion of this Court, the process of law cannot be allowed to be utilized by the parties to settle their professional scores and the petitioner had no right to maintain the present petition seeking cancellation of bail in a matter where he is neither the complainant nor a victim. Apart from that as already noticed hereinabove, this Court has already dismissed similar petition seeking cancellation of pre-arrest bail preferred by the actual complainant in the FIR. Resultantly, the present petition is dismissed in view of the aforesaid facts.

(PANKAJ JAIN)
JUDGE

09.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No