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

CRM-M-65446-2023

Date of Decision: 12.09.2024

Krishna

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhinav Sood, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Shailender Singh, Advocate, for respondent No.2.s

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court praying for cancellation/setting aside of the order dated 10.02.2022 (Annexure P-2) passed by this Court in CRM-M-27671-2020 titled as Vijay Badana @ Bijender Singh vs. State of Haryana and another, vide which anticipatory bail was granted to respondent No.2 and interim order in favour of respondent No.2 dated 14.09.2020 was directed to be made absolute in FIR No.184 dated 12.03.2020 registered under Sections 323, 452, 506, 34 IPC (Section 313, 120-B, 420, 467, 468, 471 IPC added lateron), at Police Station Suraj Kund, District Faridabad.

2. Learned counsel for the petitioner has vehemently submitted that this Court vide order dated 10.02.2022 had granted anticipatory bail to respondent No.2, however, after having been granted the anticipatory bail, he has misused the concession of bail. He submits that respondent No.2 has threatened the brother of the petitioner not to depose against him, hence, an FIR No.850 dated 14.10.2023 under Sections 195-A, 427 and 506 IPC has been registered against respondent No.2. He thus submits that the



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anticipatory bail granted to respondent No.2, deserves to be cancelled.

3. Learned counsel for respondent No.2 has opposed the submissions made by counsel for the petitioner. He has submitted that bother of the petitioner has falsely implicated respondent No.2 in the frivolous case only in order to get his anticipatory bail cancelled. He submits that respondent No.2 has committed no offence as alleged in the subsequent FIR lodged and no such incident as alleged has taken place. He submits that the allegations made by the petitioner, are totally false and frivolous and thus, there being no ground to cancel the anticipatory bail granted to respondent, the present petition deserves to be dismissed.

4. Learned State counsel has submitted that challan in the present case has already filed and the trial Court has already taken cognizance of the challan filed. He submits that though the FIR No.850 has been registered against respondent No.2, however, the prosecution would ensure a fair and free trial of the present case.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that respondent No.2 was initially granted interim protection on 14.09.2020 and thereafter, on being satisfied that he duly joined the investigation, it was made absolute on 10.02.2022. It is apparent from the record that both the sides have rivalry with each other and the trial in the FIR lodged is already going on. On the allegations of threat by respondent No.2 to brother of the petitioner, FIR No.850 has been registered and the same is pending investigation. In the present case, the investigation is complete and challan is presented. The trial Court is already seized of the



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matter. Needless to say that the bail sought to be cancelled, is anticipatory bail and thus, it is evident that respondent No.2 was not behind bars. Respondent No.2 remained on interim anticipatory bail for about 1½ years and thereafter, this was made absolute on 10.02.2022. It is settled principles of law that bail granted to the accused, cannot be cancelled in a cavalier manner. In the facts and circumstances of the case, this Court does not find any substantial reason for cancelling the bail granted to respondent No.2. Thus, the present petition being devoid of any merit, is hereby dismissed.

7. However, the respondent-State is directed to ensure a free and fair trial of the case registered against respondent No.2 and in case there is any threat to the complainant/petitioner or his family member, then requisite protection after the due assessment be granted to them.

12.09.2024

sharmila

Whether Speaking/Reasoned
Whether Reportable**(RAJESH BHARDWAJ)
JUDGE**: Yes/No
: Yes/Nos