

(2019) 05 DEL CK 0077

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3159 Of 2018

Rajender

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 20-05-2019

Acts Referred:

Citation : (2019) 05 DEL CK 0077

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : S.C. Buttan, Kusum Dhalla, Anupam S. Sharma

Final Decision : Dismissed

Judgement

Sanjeev Sachdeva, J

1. Petitioner impugns order dated 11.05.2018 whereby bail was granted to respondent no. 2 and seeks cancellation of the bail granted to him.
2. Respondent no. 2 was granted bail by order dated 11.05.2018. Respondent no. 2 had been in custody since 29.01.2018 in the subject FIR.
3. The trial court noticed that there were several civil and criminal cases and cross-cases between the parties. Impugned order was passed after taking into consideration all allegations, counter-allegations and also the objections of the petitioner/complainant. Trial court has noticed that the chargesheet had already been filed and the conclusion of trial would have taken some time.
4. Respondent no. 2 was admitted to bail by the Trial Court, after taking into account the totality of the facts and circumstances and the fact that he was in custody for nearly four months.
5. It is settled position of law that bail granted to an accused can be cancelled, if the accused, after his release on bail, inter alia tries to tamper with the evidence or hampers the trial or investigation or commits an act of violence.

6. Bail once granted should not be cancelled unless a cogent case, based on a supervening event has been made out.¹
7. The contention of learned counsel for the petitioner that the petitioner has been threatened by the respondent no. 2 and a complaint qua the same has already been given on 03.05.2018.
8. The impugned order granting bail was passed on 11.05.2018 after the alleged complaint had already been lodged with the authorities. There is no such allegation or opposition raised by the complainant before the trial court at the time when application for bail was being considered by the concerned court.
9. Further, the status report filed by the Investigating officer states that no material was found in the complaints made by the petitioner.
10. In view of the above, I find no cogent ground to cancel the bail granted to respondent no. 2 by the impugned order dated 11.05.2018.
11. I find no merit in the petition. The petition is accordingly dismissed.