

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 22000 of 2014.
Date of Decision : 05.05.2015.

Richa Garg

...Petitioner

Versus

U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Ms. Hemlata Thakur, Advocate for the petitioner.

Mr. A.S. Sullar, Addl. P.P. for U.T. Chandigarh.

Ms. G.K. Mann, Advocate for respondent No. 2.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 439(2) Cr.P.C. seeking cancellation of the benefit of regular bail that stands granted to respondent No. 2, namely, Gautam Gupta in the light of order dated 05.03.2014 (Annexure P-1) passed by the learned Judicial Magistrate Ist Class, Chandigarh.

Learned counsel seeks cancellation of the concession of bail primarily on two grounds. It is contended that the respondent No. 2, namely, Gautam Gupta, who is husband of the petitioner, is in arrears insofar as payment of maintenance is concerned that was granted to the petitioner (wife) upon an application having been filed under Section 125 Cr.P.C. The second ground raised in support of the prayer made in the instant petition is that the respondent has misused the concession of bail inasmuch as number of complaints have been filed against the father of the complainant.

Learned counsel appearing for respondent No. 2 has apprised the Court that a payment of ₹2,85,000/- towards arrears of

maintenance has already been released to the petitioner and the balance amount would also be paid in due course of time.

Without even going into the question as regards the respondent being in arrears towards maintenance, this Court is of the considered view that such ground cannot be pressed towards seeking cancellation of benefit of regular bail. It would always be open for the petitioner to seek recourse to a remedy strictly in accordance with law as regards maintenance not being paid to her in the light of an order passed by the competent Court while adjudicating an application under Section 125 Cr.P.C.

Insofar as the filing of complaints by respondent No. 2 is concerned, counsel has not been able to demonstrate as to how filing of such complaints has influenced or hampered the course of investigation in the present case.

Learned State counsel upon instructions from HC Suresh Kumar has submitted that the investigation in the case is complete and challan was presented on 16.12.2014 and now the matter is fixed for framing of charges on 16.05.2015.

That apart, perusal of the order dated 05.03.2015 passed by the learned Judicial Magistrate Ist Class, Chandigarh would reveal that concession of bail was granted to respondent No. 2 in FIR No. 722 dated 11.12.2013, under Sections 406, 498-A IPC registered at Police Station Sector-34, Chandigarh taking cognizance of the fact that respondent No. 2 has been in judicial custody since 28.2.2014.

In the totality of circumstances, no ground for cancellation of bail is made out.

Petition dismissed.

May 05, 2015.
kanchan

(TEJINDER SINGH DHINDSA)
JUDGE