

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22717-2014

Date of decision: 20.07.2015

Shashi Bala

..... Petitioner

Versus

U.T. Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. GS Guri, Advocate for the petitioner.

Mr. JS Toor, Addl. PP for U.T. Chandigarh.

Mr. HK Brinda, Advocate for
Mr. Hemraj Bhardwaj, Advocate for respondent No. 2.

R.P. NAGRATH, J. (ORAL)

Prayer in the instant petition filed under Section 439 (2) Cr.P.C. is for cancellation of bail granted to respondent No. 2-Sanjeev Kumar, by this Court vide order dated 28.10.2013 (Annexure P-3) passed in **CRM-M-15409-2013** in FIR No. 47 dated 02.02.2013 registered under Sections 498-A/406 of the Indian Penal Code at Police Station Sector 39, Chandigarh.

I have heard learned counsel for the petitioner and learned Addl. PP for U.T. Chandigarh assisted by learned counsel for respondent No. 2 .

Learned counsel for the petitioner submits that this Court had shown indulgence in the prayer for pre-arrest bail filed by respondent

No. 2 in CRM-M-15409-2013 on the ground that there was a likelihood of settlement. The parties have agreed for settlement but respondent No. 2 has not complied with the terms of settlement. It is further submitted that mediation proceedings were also initiated but the same failed.

In deference to the order dated 18.05.2015, learned Addl. PP for U.T. Chandigarh has filed the affidavit of the Senior Superintendent of Police, U.T. Chandigarh in Court today and the same be taken on record. As per averments made in the said affidavit, respondent No. 2 has joined the investigation and challan has been presented before the trial Court on 02.07.2015.

Though the FIR was registered in the year 2013 but the challan has been presented on 02.07.2015 and delay in presenting the challan basically was due to the mediation proceedings and that the parties were also making efforts for compromise. After the presentation of challan, respondent No. 2 appeared before the trial Court on 02.07.2015 itself and furnished the bail bonds which were accepted by the trial Court.

While accepting the prayer for grant of anticipatory bail to respondent No. 2, this Court in the order dated 28.10.2013 (Annexure P-3) passed in **CRM-M-15409-2013** observed as under:-

“5. At the very outset, on instructions from ASI Balwinder Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this

stage. Moreover, the parties were stated to have amicably settled their disputes, by way of compromise (Annexure P-7).

6. *In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner by this Court, by virtue of order dated May 10, 2013, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438 (2) Cr.P.C.”*

From the aforesaid discussion, I find no cogent ground exists for cancellation of bail granted to respondent No. 2 simply because recovery of dowry articles was not made or that respondent No. 2 failed to comply with the terms of settlement. That is an issue which can be raised during evidence before the trial Court.

With the aforesaid observations, the instant petition for cancellation of bail stands dismissed.

Since the trial is being delayed, the trial Court is directed to expedite the same.

July 20, 2015
rishu

(R.P. NAGRATH)
JUDGE