

CRM-M-25347-2015

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

CRM-M-25347-2015

Date of decision: 3.8.2015

Garima

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Vikas Sharma, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under Section 439(2) of the Code of Criminal Procedure is for cancellation of bail granted to respondents No.2 to 7 in case First Information Report No.80 dated 1.5.2015, registered under Sections 498-A, 406 of the Indian Penal Code at Police Station Sector 14, Panchkula.

On a complaint lodged by petitioner Garima, the First Information Report (referred to above) was registered against respondents No. 2 to 4 namely Manoj R.Patel, Kalindi M. Patel, Jignesh Parekh respectively and one Pranav Patel under Sections 406, 498-A IPC at Police Station Sector 14, Panchkula. Respondents No. 2 and 3 are parents-in-law and respondent No.4 is the brother of father-in-law of petitioner-complainant.

It was submitted on behalf of the petitioner that one of the

consideration which weighed with the learned Additional Sessions Judge while granting anticipatory bail was that there was a possibility of compromise between the parties. However, no such compromise took place and therefore there was no reason to grant the said concession. He also submitted that all the respondents including the parents of the husband of the petitioner had been granted anticipatory bail without considering their direct involvement in the marital dispute as well as the fact that recovery of the dowry articles etc. is yet to be made. In the order of bail, it is specifically mentioned that the accused-respondents had not joined the investigation and the recovery was also to be effected.

The submissions made by Mr. Vikas Sharma, Advocate appearing for the petitioner have been heard.

In Dolat Ram and others Vs. State of Haryana, JT 1995(1) S.C. 127, The Hon'ble Supreme Court dealing with the matter of cancellation of bail held as under:-

“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis, Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the Court, on the basis of material placed on the record of the possibility of the

accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.

We are, therefore, satisfied that the cancellation of anticipatory bail granted to the appellants, for the reasons given by the High Court, was not justified. Nothing has been brought to our notice either from which any inference may possibly be drawn that the appellants have in any manner, whatsoever, abused the concession of bail during the intervening period.

In the present case, respondents No. 2 and 3 are stated to be parents-in-law and respondent No. 4 is the brother of respondent No.2. They have been allowed anticipatory bail subject to their furnishing bonds to the satisfaction of the Arresting/ Investigating Officer. The petitioner had implicated all the family members of her husband. The application for anticipatory bail of her husband Pranav Patel was dismissed. It is not the allegation of the petitioner that the respondents have in any manner misused the concession of bail granted to them or have tried to induce or tamper

with the evidence. In her complaint, the complainant herself stated that it was a love -cum- arranged marriage. Recovery of dowry articles is no ground to cancel the anticipatory bail given to the respondents when the husband from whom recovery can be effected is yet to be arrested.

In view of the above, finding no illegality or perversity warranting intervention in the order of granting bail to the respondents by learned Additional Sessions Judge, Panchkula, the present petition is dismissed being bereft of merit.

3.8.2015
gsv

(SNEH PRASHAR)
JUDGE