

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-40342 of 2014

.....

Date of decision:12.1.2015

Poonam

...Petitioner

v.

State of Haryana and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 439(2) Cr.P.C. for cancelling anticipatory bail granted to respondent No.2 by the Court of learned Additional Sessions Judge, Rohtak, vide orders dated 7.8.2014 and 23.9.2014 passed in bail application No.145 dated 2.8.2014 in FIR No.777 dated 16.9.2013 for the offences under Sections 498-A and 406 IPC registered at Police Station City Rohtak (Annexures-P.4 and P.5) and stay operation of orders (Annexures-P.4 and P.5) during the pendency of this petition.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner has argued only on one point that no dowry articles have been recovered,

therefore, anticipatory bail granted to respondent No.2 by the learned Additional Sessions Judge, Rohtak vide order dated 23.9.2014 and the interim bail granted on 7.8.2014 be cancelled.

The learned Additional Sessions Judge, Rohtak, while passing the interim order dated 7.8.2014 and passing the final order on 23.9.2014 granting anticipatory bail to Smt. Murti Devi mother-in-law (respondent No.2) of the complainant Poonam, had applied its judicial mind and the orders are on the basis of reasoning. Respondent No.2 had already joined the investigation in view of the interim order dated 7.8.2014. Further, the Court had perused the statement dated 17.2.2013 of complainant-Poonam Mehra, which was made before the Victoria Police, Australia and keeping in view that at that relevant time no such allegations regarding demand of dowry had been made. The Court had also taken note regarding the withdrawal of the amount of ₹3 Lacs of the FDR by complainant Poonam, which was in the names of Bhateri Devi and Poonam Mehra. This fact regarding dowry demand had already been considered by the learned Additional Sessions Judge, Rohtak at the time of grant of bail. Now this ground that since dowry articles are still to be recovered, therefore, bail should be cancelled, cannot be taken into consideration.

Therefore, from the above, I find no merit in the present petition and the same is dismissed.

January 12, 2015.

(Inderjit Singh)
Judge

hsp