

CRM-M-9522-2015 (O&M)

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

CRM-M-9522-2015 (O&M).

Decided on: May 14, 2015.

Gurdeep Kaur

..... Petitioner(s)

Versus

State of Punjab and another

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.B.S.Sewak, Advocate,
for the petitioners.**

Mr.Inqulab Nagpal, AAG., Punjab.

**Mr.Robin Bansal, Advocate,
for respondent No.2.**

M.M.S. BEDI, J (ORAL).

This order will dispose of an application for cancellation of pre-arrest bail granted to respondent No.2, mother-in-law of complainant- petitioner in a case registered under Sections 406 & 498-A IPC vide FIR No.122 of 23.11.2014, at Police Station, Women Cell, Ludhiana.

The petitioner seeks cancellation of the bail on the ground that terms of the pre-arrest bail have not been complied with. The private respondent was directed to hand over bank draft of Rs.1 lac in the name of the petitioner- complainant within a period of one month from the decision of her pre-arrest bail application in lieu of the articles claimed to be in possession of respondent No.2 consisting of

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gold ring, gold karra and gold ear ring etc. belonging to petitioner-complainant.

On notice having been issued, ASI Balwinder Singh and respondent No.2 have appeared in the Court. ASI Balwinder Singh informs that jewellery items have not been recovered from respondent No.2 or the main accused i.e., husband of the complainant- petitioner. It appears that respondent No.2 on the basis of interim orders had joined investigation, but no recovery could be effected.

It has been informed that the challan has not been presented. In the present case neither recovery of the jewellery articles entrusted by the complainant to the members of in-laws family has been effected nor any attempt has been made to compensate her under the orders passed by the Court in the conditions of bail.

Counsel for respondent No.2 has submitted that respondent No.2 is a poor lady, not in a position to pay any money. It is claimed that she is not staying with her son. The said plea has been controverted by counsel for the petitioner, complainant as well as the complainant herself present in the Court saying that respondent No.2 is being accompanied by her son even today in the Court.

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Without going into the details, I am of the considered opinion that order passed on 4.2.2015 granting pre-arrest bail to respondent No.2 deserves to be cancelled.

The petition is allowed. The order dated 4.2.2015 granting bail to respondent No.2 is hereby cancelled for non-compliance of the conditions of bail.

At this stage, counsel for respondent No.2 submits that she is ready to surrender before the Illaqua Magistrate. No observation is required to be made in this context. It will be open to respondent No.2 to surrender before the investigating officer or the Illaqua Magistrate. It will be open to respondent No.2 to seek expeditious disposal of her application for regular bail in said eventuality.

May 14, 2015.
rka

(M.M.S. BEDI)
JUDGE