

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

**Crl. Misc. No. M-12800 of 2016 (O&M)
Date of decision : 10.11.2016**

Neha Bansal

... Petitioner

versus

State of UT Chandigarh & Ors.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Angel Sharma, Advocate
for the petitioner.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking cancellation of bail allowed to respondent No.3 in FIR No.539 dated 22.10.2014 under Sections 406, 498-A, 34 of IPC, Police Station Sector -34, Chandigarh.

The petitioner was asked to make her submission regarding maintainability of the petition as the grounds on which the cancellation was sought was non recovery of dowry articles.

Learned counsel for the petitioner submits that the complainant had submitted the list of dowry articles which were not recovered and the Additional Sessions Judge, Chandigarh without taking into consideration the status report had confirmed the interim anticipatory bail granted to the accused. It was urged that that the written complaint was given to the SSP for recovery of the articles but recovery was not effected and the husband is not appearing in the proceedings initiated by him and his petition was dismissed and the police is not filing the challan nor investigating the case properly and the bail should be cancelled.

To be precise, the petitioner is seeking cancellation of anticipatory bail allowed by the Additional Sessions Judge on 19.11.14.

Perusal of the documents placed on record by the petitioner shows that they had approached the Additional Sessions Judge first seeking cancellation of bail which was rejected by the Additional Sessions Judge on 16.02.2015.

Bail once allowed can only be rejected if the accused misuses his liberty or interferes with the course of investigation or attempts to tamper with evidence or there is likelihood that he would flee from the country.

The petitioner is seeking cancellation of the bail on the plea that her dowry articles have not been recovered. Bail once allowed cannot be rejected on the ground that there was some recovery to be effected. It is not a case where the accused had indulged in any similar activity or has tampered with evidence or is hampering the investigation.

No ground for cancellation is made out.

The petition is dismissed.

November 10, 2016		(ANITA CHAUDHRY)
M. Negi		JUDGE
Whether speaking/reasoned	:	Yes
Whether reportable	:	No