

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-1792 of 2016

DATE OF DECISION: 19.02.2016

Hemlata

.....Petitioner

Versus

State of Haryana and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Kuldeep Khandelwal, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Mr. Sukhjit Singh Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 (2) Cr.P.C. for cancellation of anticipatory bail granted to respondents No.2 and 3 vide order dated 4.1.2016 passed by Additional Sessions Judge, Sirsa in case FIR No. 339 dated 5.11.2015 registered under Sections 498-A,323,506 IPC at Police Station Ellenabad.

Learned counsel for the petitioner contends that recovery has not been effected inspite of raising an objection by the Public Prosecutor. Learned counsel further submits that the original educational qualification certificates of the petitioner were not handed over to her.

Reply on behalf of respondent-State has been filed in Court

today and the same is taken on record.

Learned counsel for respondent-State on the basis of reply submits that statement of accused was recorded, wherein, it was specifically mentioned that all educational certificates have been taken away by the petitioner-complainant.

Learned counsel for respondents No.2 and 3 submits that recovery has already been made and whenever respondents No.2 and 3 were asked to join investigation, they joined the investigation.

Heard arguments advanced by learned counsel for the parties and have also gone through order dated 4.1.2016, vide which, anticipatory bail has been granted to respondents No.2 and 3.

It has specifically been mentioned in order dated 4.1.2016 that respondents No.2 and 3 have joined the investigation and recovery has also been effected from them. Although an objection was raised by the Public Prosecutor that some recovery had not been effected. The allegations in the FIR are matter of evidence and it cannot be said at the time of grant of bail whether the allegations levelled are correct or not and the same can be considered/proved during trial only. On perusal of allegations in the FIR, it is to be seen whether offence is made out or not. If recovery of some of the items has not been made then it will be seen during trial. Grounds for cancellation of bail and grant of bail are totally different. Nothing has been brought on record to show as to whether respondents No.2 and 3 have misused the concession of bail.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the petition being devoid of any merit is hereby dismissed.

February 19, 2016

(DAYA CHAUDHARY)

JUDGE