

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-17955 of 2015

Date of decision : 12.01.2016

Parmjit Kaur @ Baby

..... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Atul Lakhanpal, Sr. Advocate with
Ms. Neha Lakhanpal, Advocate for the petitioner**

ANITA CHAUDHRY, J. (ORAL)

This is a petition filed under Section 439(2) Cr.PC. seeking cancellation of anticipatory bail granted to respondents No. 2 to 8 in a complaint case.

Heard.

A complaint was filed in January 2015 relating to the occurrence of 2000. The allegations of gang rape had been made. The petitioner had approached the Court earlier seeking direction of registration of FIR. The petition was disposed of on 19.3.2002 and directions were given to the Crime Branch of Punjab to look into the matter and pass an appropriate order. Successive enquiries were held but the police did not register the FIR and 13 years later a complaint was filed in which the accused were summoned. The Additional Sessions Judge granted anticipatory bail to the accused.

Learned counsel for the petitioner refers to order passed by Hon'ble Apex Court in ***State of Maharashtra and another vs. Mohd. Sajid Husain Mohd. S. Husain etc., 2007(4) RCR(Criminal) 581*** and states that bail could not have been allowed to the accused as there were serious allegations and there is a possibility that the respondents may tamper with

I have gone through the judgment referred to by the petitioner. The facts there were entirely different. The case related to immoral trafficking of 14 years old girl. The anticipatory bail plea had been dismissed by the Sessions Court but was allowed by the High Court. The Apex Court found that the victim was below 16 years and the High Court had dismissed the bail application of some of the accused but had allowed anticipatory bail to the others.

The Apex Court in several cases had opined that in an application for cancellation of bail, conduct subsequent to release on bail and the supervening circumstances alone are relevant. Not a single instance has been mentioned by the petitioner of which note can be taken.

No ground for cancellation of bail is made out.

The petition is dismissed in limine.

January 12, 2016

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**(ANITA CHAUDHRY)
JUDGE**