

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

**CRM-M-24887-2016 (O&M)
Date of decision: 01.08.2016**

Vaishnavi Khipal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Munish Gupta, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition under Section 438 (5) Cr.P.C is for setting aside the order dated 21.04.2016 (Annexure P-20) passed by the Judicial Magistrate, Ist Class, Barnala, dismissing an application filed by the petitioner for cancellation of anticipatory bail of Pawanjit Singh-respondent No.2 in case FIR No.15 dated 17.01.2015, under Sections 498-A/323/325 IPC, registered at Police Station, City Barnala.

Perusal of the impugned order (Annexure P-20) shows that the application of the petitioner has been rejected on the ground that despite specific direction, she did not appear before the Court to substantiate the allegations levelled in the FIR. However, her father came present before the Court.

Learned counsel for the petitioner states that the present petitioner was studding in the college and she has sufficient material which could lead to cancellation of bail granted to respondent No.2. He prays that one

opportunity may be provided to the petitioner to appear and assist the Court on the application for cancellation of bail.

In view of the above, the impugned order dated 21.04.2016 (Annexure P-20) is set aside and the Judicial Magistrate, Ist Class, Barnala (trial Court) is directed to give one opportunity to the petitioner to appear and substantiate the allegations, along with her grandfather, Rakesh Chand and thereafter, pass a speaking order on the application for cancellation of bail.

The petition stands allowed in the above terms, subject to deposit of Rs.2500/- with the District Legal Services Authority, Barnala.

01.08.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No