

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

Crl. Misc. No.M-28614 of 2016

Date of decision : 19.08.2016

Hardeep Kaur

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vaneet Kumar Sharma, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

The petitioner is seeking cancellation of anticipatory bail granted to respondent no.2 by the Additional Sessions Judge, Ludhiana on 26.05.2016 in FIR No.77 dated 18.05.2016, registered under Sections 376, 323, 506 IPC, P.S. Daba, District Ludhiana.

The facts given by the petitioner are disclosed in para no.2 of the petition. The petitioner was married to Gurmeet Singh and had three children, the eldest being 13 years. The marriage with Gurmeet was dissolved and a divorce is said to have taken place on 04.10.2015. The said divorce was granted by the Panchayat. It was pleaded that the petitioner and her husband approached the District Court seeking decree by mutual consent and the petition was pending. The petitioner claims that since the marriage was running through rough weather and the petitioner was emotionally

disturbed, she started sharing her feelings with respondent no.2. It was pleaded that respondent no.2 proposed marriage and also took the responsibility of her children and they used to meet up often and they started sharing a relationship but later respondent no.2 refused to solemnize the marriage and did not marry her and sexually exploited her. The petitioner then lodged FIR under Sections 376, 323, 506 IPC.

The Additional Sessions Judge granted anticipatory bail to respondent no.2. Admittedly, respondent no.2 is also married man and has children. The Additional Sessions Judge considered the circumstances and granted interim anticipatory bail, which were made absolute on 06.06.2016. The counsel cites *State of Maharashtra and another Vs. Mohd. Sajid Husain Mohd. S. Husain (2008) SCC 213* and urges that recovery was yet to be effected.

In an application for cancellation of bail, the conduct subsequent to the release on bail and the supervening circumstances alone are relevant. The Court below had kept in mind the facts before allowing bail. There is no material to show that the petitioner had tried to tamper with evidence or was intimidating or creating obstacles in the path of the Investigating Officer. Therefore, the petition is not maintainable and is dismissed in limine.

19.08.2016

sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No