

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37114 of 2016
Date of Decision: 19.10.2016

Pawan Kumar and anotherPetitioners
Vs

State of U.T. Chandigarh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.

[1]. Petitioners seek cancellation of anticipatory bail granted to respondent No.2 vide order dated 31.07.2015 in CRM-M-19062 of 2014 in FIR No.113 dated 03.05.2014 under Sections 406, 498-A, 34 IPC registered at Police Station Sector-26, U.T. Chandigarh.

[2]. Anticipatory bail was granted to respondent No.2 on the premise that both the parties had entered into amicable settlement and had started living together as husband and wife. Prayer for anticipatory bail on behalf of parents-in-law of the complainant was accepted on 30.06.2015 in CRM-M-18220 of 2014 titled as Ishwar Singh and another Vs. State of U.T.,

Chandigarh.

[3]. Now the anticipatory bail granted to respondent No.2 is being challenged on the ground that after the amicable settlement between the parties, a petition i.e. CRM-M-8206 of 2016 was filed. Notice of motion was issued in the aforesaid case for 06.05.2016. Parties were directed to get their statements recorded before the Illaqa Magistrate regarding factum of compromise. On 30.05.2016, parties appeared before the Illaqa Magistrate and suffered statements regarding compromise. On 27.07.2016 when the petition came up for hearing, none appeared on behalf of respondent No.2 and his parents. The reason for not appearing before the Court was alleged to be the dispute being arisen again between the parties. On the basis of further controversy between the parties, anticipatory bail granted to respondent No.2 is being sought to be cancelled.

[4]. I am afraid no such indulgence can be given. The previous alleged act or omission on the part of respondent No.2 were prima facie condoned by the complainant by entering into a compromise with respondent No.2. Thereafter, both started living together. Even a petition for quashing of FIR was filed in this Court. After such condonation of alleged misconduct, cancellation of anticipatory bail already granted in a case of

dowry/matrimonial dispute cannot be entertained.

[5]. In view of aforesaid, I do not find any justification in accepting the prayer for cancellation of anticipatory bail of respondent No.2. This petition is accordingly, dismissed.

19.10.2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No