

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-38232 of 2016 (O&M)
Date of Decision: 05.12.2016

Suman Kumari

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

ANITA CHAUDHRY, J (ORAL)

CRM-38197-2016

Application is allowed and Anneuxre P-4 is taken on record.

CRM-M-38232-2016

This is a petition for cancellation of anticipatory bail allowed to respondents No. 2 and 3 in FIR No. 31 dated 13.6.2015, registered under Sections 498-A IPC (Sections 323, 406 IPC added later on) IPC, Police Station Hajipur, District Hoshiarpur.

The petitioner is seeking cancellation of anticipatory bail allowed to the petitioner on the ground that the recovery was not effected. Admittedly challan has been presented and trial is going on and investigation stage is over.

It is necessary to refer to two decisions of the Supreme Court

i.e ***Delhi Administration Vs. Sanjay Gandhi AIR 1978 SC 961 and***

Raghubir and another Vs. State of Bihar AIR 1987 SC 149, which deals

with the grounds on which bail can be cancelled under Section 439(3) Cr. P. C. In Sanjay Gandhi's (supra) case it was held that rejection of bail is one thing and cancellation of bail already granted is quite another.

Cancellation of bail necessarily involves review of a decision already made and can be permitted only if by reasons of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during trial.

Non recovery of dowry articles cannot be a ground for cancellation of bail. The law on this is settled. It is a matter of trial and it will have to be proved as to how much dowry was given. The petition is dismissed as not maintainable.

(ANITA CHAUDHRY)
JUDGE

December 05, 2016
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No