

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39789-2016

Date of Decision:- 10.11.2016

Priyanka Diwakar

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. S.K. Tripathi, Advocate,
for the petitioner.**

RITU BAHRI, J. (Oral)

Petitioner has filed the present petition under Section 439(2) for cancellation of the regular bail granted to respondent No.2, vide order dated 19.07.2016 (Annexure P-3), passed by learned Additional Sessions Judge, Gurgaon, in case FIR No.630 dated 16.06.2016, registered under Sections 498-A, 323 and 34 IPC and Section 3 of SC&ST Act, at Police Station Sadar Gurgaon.

Perusal of order dated 19.07.2016 (Annexure P-3) shows that the regular bail has been granted to respondent No.2 keeping in view the fact that there was a love marriage between the petitioner and respondent No.2 and due to the family disturbance between them a false complaint invoking SC/ST Act has been lodged. Moreover, the caste was already known to the couple prior to their love marriage and the offence punishable

under SC/ST Act is yet to be ascertained.

Such articulated order, containing valid reasons, cannot legally be set aside in the garb of petition for cancellation of bail, unless and until the same is totally illegal and without jurisdiction. The learned counsel did not point out any patent illegality or legal infirmity in the impugned order.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition for cancellation of bail is hereby dismissed as such.

November 10, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No