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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 18/2016

NEHA SAINI

..... Petitioner

Through

Mr.V.Madhukar, Mr.Jayendra Sevada
and Ms.Anvita Cowshish, Advocates.

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through

Mr.Tarang Srivastava, APP along with
SI Pawan Kumar.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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05.01.2016

Crl.M.A.No.91/2016

Crl.M.A.No.92/2016

CRL.M.C. 18/2016

Petitioner is seeking cancellation of bail granted to the respondent nos.2 and 3 (husband and wife) by the order of the Sessions Judge dated 15.12.2015.

Learned counsel for the petitioner submits that the incident reported by the victim was gory; the allegations being serious. The order granting anticipatory protection to the respondents especially when the Investigating Officer made a statement that custodial interrogation of the respondent was required is an illegality and is liable to be set aside.

On advance notice, learned APP for the State has made his

submission.

Record has been perused. The order dated 15.12.2015 has also been perused.

The present FIR has been registered on the complaint of the petitioner. The FIR is under Sections 498A/406/376/34 of the IPC. Husband of the victim Amit Sahni is stated to be in judicial custody. The respondents before this Court are husband and wife who are stated to be the friend of the husband of the victim. The allegations by and large in the FIR apart from the allegations of cruelty and dowry demand relate to wife swapping. The incident as per the victim occurred in February, 2011 but the matter was admittedly reported in November, 2015. In June, 2015 the victim started living separately away from her husband. All these facts have been noted by the Sessions Judge in the correct perspective. He has noted that there is an unexplainable delay in lodging the FIR. The incident having occurred in February, 2015 and matter having been reported only in November, 2015, the Sessions Judge in view of this Court has exercised his discretion fairly and judiciously. This Court also notes that the parameters for granting bail are distinct from the parameters required for cancellation of bail.

No ground is made out for cancellation of bail granted to respondent nos.2 and 3.

Dismissed.

INDERMEET KAUR, J

JANUARY 05, 2016/ndn