

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2118/2014**

Date of Decision: June 13th, 2016

RENU SEHRAWAT Petitioner
Through Mr.Varun Gaur, Adv.

versus

SUNNY SEHRAWAT & ORS Respondents
Through Ms.Manjeet Arya, APP.
Mr.Ankit Agarwal, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The present petition under Section 439(2) of the Code of Criminal Procedure, 1973 (hereinafter shall be referred to as the "Cr.P.C.") has been filed by the petitioner for cancellation of bail granted to the respondent no.1-Sunny Sehrawat vide order dated 08.07.2013.

2. The factual matrix, in brief, is that on the basis of complaint made by the petitioner/complainant to the police, FIR No.151/2013, under Sections 498A/406/34 IPC read with Section 3/4 of Dowry Prohibition Act, Police Station Dwarka was registered against the respondent no.1 and other accused persons. An application for the grant of anticipatory bail was moved by the respondent no.1 before this Court. Vide order dated 08.07.2013,

the respondent no.1 was granted anticipatory bail and he was directed to appear before the Investigating Officer on 09.07.2013 along with the stridhan of the complainant and Swift car. On 09.07.2013, respondent no.1 appeared before the Investigating Officer but did not hand over all the items as per the list. Thereafter, the petitioner filed a petition under Section 482 Cr.P.C. for modification/rectification of order dated 08.07.2013 granting bail to the respondent no.1. The matter was kept pending and on 11.02.2014, the counsel for the petitioner withdrew the said petition with the liberty to file a fresh petition for cancellation of bail. Therefore, the said petition was dismissed as withdrawn.

3. The ground taken by the counsel for the petitioner for cancellation of bail granted to the respondent no.1 is that on 15.08.2013 at about 03.40 p.m., someone called the elder brother of the petitioner on his mobile phone and extended death threats to all the family members if the petitioner does not compromise the issue with the respondent no.1. The other ground taken is that the respondent no.1 was inadvertently granted bail vide order dated 08.07.2013.

4. Arguments advanced by the learned counsel for the parties were heard.

5. After going through the record, it is apparent that Bail Appln. 1174/2013 was moved by the respondent no.1 for the grant of anticipatory bail in the FIR in question. The said bail application came up for hearing on 08.07.2013. On the said date, it was offered by the counsel for the respondent no.1-herein that he

was ready and willing to handover all the stridhan, including Swift car that the parents of the complainant had presented to him at the time of marriage. In view of the submissions made before the Court, the bail application was allowed and the respondent no.1- herein was ordered to be released on bail in the event of his arrest. However, the respondent no.1-herein was directed to appear before the IO on 09.07.2013 along with the stridhan of the complainant and also the Swift car.

6. Perusal of order dated 08.07.2013 granting anticipatory bail to the respondent no.1 shows that the same was granted after going through the material on record and the submissions made by the learned APP for the State as well as learned counsel for the respondent no.1-herein. So, there is no force in the contention of the petitioner that the bail granted to the respondent no.1 was due to inadvertence or due to any other mistake.

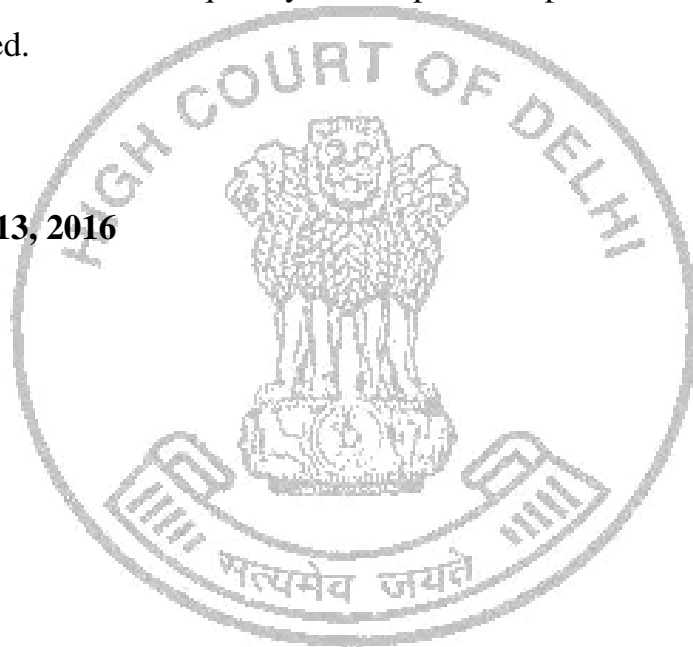
7. The other limb of argument of the counsel for the petitioner is that after the grant of bail to the respondent no.1, threats were extended on his behalf to the brother of the petitioner upon his life and on the life of the family members of the petitioner/complainant. It has been alleged that the petitioner/complainant was asked to sort out all the issues between her and the respondent no.1 or face the dire consequences.

8. It may be correct that the brother of the petitioner was extended threats to his life, but the same cannot be a sole ground to reject the bail granted to the respondent no.1. Threat, as alleged, extended to the brother of the petitioner is a matter of investigation

by the police and no comments on the same can be made in the instant petition. Even otherwise, the allegations regarding threats cannot be taken as gospel truth by the petitioner to make it a sole basis for the cancellation of bail granted to the respondent no.1.

9. In view of the above facts and circumstances, the petitioner has failed to demonstrate any reason for cancellation of bail granted to the respondent no.1 by this Court vide order dated 08.07.2013. Consequently, the present petition is hereby dismissed.

JUNE 13, 2016
dd



(P.S.TEJI)
JUDGE