

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11194-2016

Date of Decision:- -05.04.2017

Mamta

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Peeush Gagneja, Advocate,
for the petitioner.**

Ms. Anmol Grewal, DAG, Punjab.

**Mr. Nitin Narula, Advocate
for Mr. K.B. Raheja, Advocate
for respondent No.4.**

RITU BAHRI, J. (Oral)

Petitioner has filed the present petition under Section 439(2) for cancellation of the anticipatory bail granted to respondent No.4, vide order dated 16.03.2016 (Annexure P-2), passed by learned Additional Sessions Judge, Fazilka, in case FIR No.9 dated 06.02.2016, registered under Section 498-A IPC (Section 406 IPC added later on), at Police Station City-2, Abohar, District Fazilka.

Learned State counsel has informed that the after presentation of the challan, the charge has been framed and the trial is fixed for prosecution evidence.

As is evident from the order dated 16.03.2016 (Annexure P-2) that the bail was granted to respondent No.4 keeping in view the fact that respondent No.4 (husband) had filed a civil suit for mandatory injunction directing the petitioner-complainant to take back her dowry articles and the FIR was registered under Section 498-A IPC and offence under Section 406 IPC has been added after the filing the bail application.

After hearing the learned counsel for the parties, going through the record, this Court is of the considered view that no ground for cancellation of bail is made out. Learned counsel for the petitioner did not point out any patent illegality or legal infirmity in the impugned order. 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.

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

April 05, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No