

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-12883-2015

Date of decision : 27.01.2017

Pallavi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S.Sachdev, Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab,
for respondent No.1.

Mr. B.D.Sharma, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 439(2) of the Code of Criminal Procedure has been filed for cancellation of bail granted to respondent No.2 by learned Additional Sessions Judge, Jalandhar, vide order dated 03.01.2015 in FIR No.219 dated 22.11.2014, registered under Sections 454 and 380 of the Indian Penal Code (for short 'the IPC'), at Police Station Division No.8, Jalandhar, in a case titled as 'Subhash Duggal Vs. State of Punjab.

Learned counsel for the petitioner contends that accused/respondent No.2 after having been granted pre-arrest bail, has been extending threats to the petitioner and has even given beatings to her several times. The petitioner and respondent No.2 are husband and wife and matrimonial dispute is going on between the parties. The police have also initiated preventive proceedings under Sections 107 and 151 Cr.P.C. against accused/respondent No.2.

On the other hand, learned State counsel, on instructions, states

that there is no truth in the allegations of petitioner and opposes the cancellation of bail application.

Learned counsel appearing on behalf of respondent No.2 submits that the present petition has been filed in order to harass and humiliate respondent No.2 and his family members. Apart from the present FIR, petitioner has filed four other cases against respondent No.2. It is case of matrimonial dispute which has been given a criminal colour. The matter was referred to the Mediation Centre of this Court but no amicable settlement could be reached.

In have heard learned counsel for the parties and also gone through the record of the case.

In Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav and another, 2004(2) R.C.R. (Criminal) 254; 2004(7) SCC 528, Hon'ble the Supreme Court held as under:-

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstance, the following factors also before granting bail; they are:

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- (c) Prima facie satisfaction of the court in support of the charge.”*

In view of the facts and circumstances mentioned above, it

appears that there is matrimonial dispute between the petitioner and the respondent No.2 and lots of cases are already pending between the parties. Nothing has been brought on record to substantiate the assertion that respondent No.2 has misused the concession of bail granted to him.

Consequently, the present petition stands dismissed.

27.01.2017
adhikari

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :Yes No

Whether Reportable : Yes No