

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

CRM-M-17232 of 2017(O&M)

Date of decision :11.08.2017

Smt. Sarika

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Chanderhas Yadav, Advocate
for the petitioner.

LISA GILL, J. (Oral)

Prayer in this petition is for cancellation of anticipatory bail afforded to respondent no.2 by the learned Additional Sessions Judge, Rewari, vide order dated 03.04.2017 (Annexure P-2) in FIR No. 19 of 01.02.2017, under Sections 406, 498-A, 506, 377 IPC, registered at Police Station Kosli, District Rewari.

It is contended that learned Additional Sessions Judge, Rewari has wrongly afforded the benefit of anticipatory bail to respondent no.2, who is the husband of the petitioner. Recoveries are yet to be effected from the said respondent and in view of the specific allegations in the FIR, anticipatory bail should not have been granted to him.

Respondent no.2, it is alleged that after being granted the concession of anticipatory bail, is threatening the petitioner. Thus, it is

prayed that the anticipatory bail granted to respondent no.2 be cancelled.

I have heard learned counsel for the petitioner and have gone through the file with his able assistance.

Learned counsel for the petitioner is unable to point out any illegality or infirmity in the order dated 03.04.2017, vide which anticipatory bail has been afforded to respondent no.2. The argument of learned counsel for the petitioner that as respondent no.2 is the husband of the petitioner, therefore being the main culprit, he should not have been afforded the benefit of anticipatory bail, is untenable. Description and details of the dowry articles yet to be recovered from the petitioner are not set-forth. This fact has been noted by the learned Additional Sessions Judge, Rewari as well, while affording anticipatory bail to respondent no.2. Though, it is mentioned in Para no. 7 of the petition that respondent no.2 is threatening the petitioner. It is to be noted that no specific incident, date or time of the same has been mentioned in the petition nor has learned counsel for the petitioner been able to reveal any such details at the time of arguments before this Court. No such written complaint as finds mentioned in Para no. 7 of the petition has been produced before this Court.

It has been held by the Hon'ble Supreme Court in **Manjit Prakash & Ors. Vs. Shobha Devi & Anr. 2008 (3) R.C.R. (Criminal) 768** that grant of bail to an accused at the initial stage and the cancellation of bail stand on different footings. Cancellation of bail is a harsh order because it interferes with the liberty of the individual and should not be resorted to lightly. Similarly, the Hon'ble Supreme Court in **Savitri Agarwal & Ors. Vs. State of Maharashtra & Anr. 2009 (3) R.C.R (Criminal) 792** observed that very cogent and overwhelming circumstances are necessary

for an order directing the cancellation of bail already granted.

Learned counsel is unable to point out any over-whelming or cogent circumstances which call for cancellation of bail afforded to to respondent no.2 by the learned Additional Sessions Judge, Rewari vide order dated 03.04.2017.

Consequently, finding no merits, this petition is dismissed. Needless to say that in case, there is any violation or infraction of the terms and conditions of the bail granted to respondent no. 2, the petitioner is at liberty to take appropriate steps seeking cancellation of bail. .

11.08.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No