

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-19027-2016 (O&M)  
Date of decision: 20.11.2017

Kusum

...Petitioner

Versus

State of U.T. and another

...Respondents

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**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Ms. Ekta Thakur, Advocate  
for the petitioner.

Mr. G.S. Chahal, Addl. P.P. for U.T. Chandigarh.

Mr. D.S. Rawat, Advocate,  
for respondent No.2.

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**JAISHREE THAKUR, J.**

The instant petition has been filed under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to accused/respondent No.2 by this Court in **CRM-M-36807-2015** vide order dated 18.12.2015 in case FIR No. 215 dated 19.06.2015 under Sections 406 and 498-A IPC, registered at Police Station Sector-36, Chandigarh.

In brief, a dispute arose between petitioner - Kusum and respondent No.2, which led to the registration of the aforesaid FIR. Respondent No.2 Raj Pal Machal while approaching this Court submitted that he would be ready for amicable settlement on any reasonable terms & conditions. On that basis, protection against arrest was granted to him by an

order dated 18.12.2015. Since no effort was made by him to settle the matter, the present petition has been filed for cancellation of anticipatory bail.

Learned counsel appearing on behalf of the petitioner contends that despite making an averment in the Court that respondent No.2 Raj Pal Machal (husband of the petitioner) would make an effort to settle the dispute amicably, he had not come forth and, therefore, prayed for cancellation of the interim protection granted. It is argued that the accused/respondent No.2 was taking undue benefit of the order dated 18.12.2015 and was intentionally avoiding amicable settlement.

This Court made an effort to have the dispute settled between the parties and the matter was referred to Mediation and Conciliation Centre of this Court, however, no settlement came forth. This Court too has tried to settle the dispute but to no avail.

As per the reply, the petitioner had filed a petition under the Domestic Violence Act, 2005 which petition stands dismissed and there is a petition under Section 9 of the Hindu Marriage Act pending between the parties. As per the respondent- State, the complainant has already recovered part of her *Ishtidhan*.

I have heard learned counsel for the parties and in view of the fact that respondent No.2 herein has not misused the conditions of the bail that have been imposed upon him and had joined investigation, no ground to interfere in the order dated 18.12.2015 allowing of interim bail to respondent No.2 is made out. The argument as raised by counsel for the petitioner is that offence under Sections 406 and 498-A IPC is made out, the same is subject

to trial. It is also well settled that bail should ordinarily not be denied in case recoveries of dowry articles is not fully made.

Dismissed.

20.11.2017  
*Satyawan*

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes.  
No.