

Criminal Misc. M- No. 40538 of 2016 (O&M)

Date of decision : February 28, 2017

Amandeep Kaur

.....Petitioner

Versus

State of Haryana and another

....Respondents

Criminal Misc. M- No. 4281 of 2017 (O&M)

Amandeep Kaur

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Sanjeev Kumar Bawa, Advocate
for respondent No. 2.

LISA GILL, J.

This order shall dispose of two petitions i.e. Criminal Misc.
M- Nos. 40538 of 2016 and 4281 of 2017.

Criminal Misc. M- No. 40538 of 2016 has been filed for
cancellation/vacation of interim relief granted to respondent No.2 by the
learned Additional Sessions Judge, Gurgaon vide order dated 17.10.2016.
An application under Section 438 Cr.P.C. for grant of anticipatory bail was
filed by respondent No. 2 in FIR No. 541 dated 20.09.2016 registered under
Sections 498A, 406, 34 IPC at Police Station Civil Lines, Gurgaon before
the learned Additional Sessions Judge, Gurgaon. Vide order
dated 17.10.2016, interim anticipatory bail was allowed to respondent No. 2

subject to the conditions mentioned therein. This order was made absolute by the learned Additional Sessions Judge, Gurgaon on 17.12.2016.

Criminal Misc. M- No. 4281 of 2017 has been filed for setting aside order dated 17.12.2016 and cancellation of anticipatory bail granted to respondent No. 2. It is vehemently argued that respondent No. 2 is being proceeded against for the commission of serious offences. Therefore, bail should not have been granted by the learned Additional Sessions Judge, Gurgaon. However, learned counsel for the petitioner is unable to dispute that though respondent No. 2 is being proceeded against for the commission of serious offences, there has been no misuse of concession of anticipatory bail in the interregnum. There has been no such infraction on the part of respondent No. 2 which may invite the cancellation of the concession granted to him.

Learned counsel for the State, on instructions, from SI Raj Bala, Police Station Women, Gurgaon, submits that the final report/challan under Section 173 Cr.P.C. has been presented against respondent No. 2 and he is facing trial.

Keeping in view the facts and circumstances of the case, no ground is made out at this stage for cancellation of bail granted to respondent No.2.

Both the petitions are, accordingly, dismissed.

February 28, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No