

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

CRM-M-38383-2016

Date of decision: 20.02.2018

Manmeet

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. D.P. Shishodia, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

CRM-31671-2017

Application allowed.

Annexure P8 to P12 are taken on the record.

CRM-M-38383 of 2016

This is a petition that has been filed under section 439(2) Cr.P.C for cancellation of anticipatory bail granted to accused respondent No. 2 to 5 by the Additional Sessions Judge, Panchkula in case FIR No. 300 dated 13.09.2016 under Section 323, 354-A, 377, 406, 498-A and 506 IPC, registered at Police Station Pinjore, District Panchkula.

2. In brief, the facts are that aforementioned FIR was registered at the behest of the petitioner complainant and after the registration of the aforesaid FIR accused respondent Nos. 2 to 5 applied for grant of anticipatory bail before the Additional Sessions Judge, Panchkula who granted them interim bail subject to joining investigation. The interim bail granted was made absolute by order dated 13.10.2016. Aggrieved, the

instant petition has been filed seeking cancellation of the bail on the ground that the Court had erred in relying upon a copy of the affidavit purported to have been given by the petitioner dated 02.04.2016 in which it has been stated that she had not been subjected to harassment on account of demand of dowry at the hands of her husband or in-laws.

3. Learned counsel appearing on behalf of the petitioner contends that the bail granted deserves to be cancelled since recovery of dowry articles has not been made so far. Moreover, the affidavit was obtained fraudulently by getting the petitioner to sign on blank paper and, therefore, the same could not have been relied upon to confirm the anticipatory bail granted.

4. I have heard counsel for the parties and have also perused the order confirming the interim bail granted. The Additional Sessions Judge while taking note of the fact that the respondent accused were given concession of interim bail on 26.09.2016 and had joined investigation, confirmed the bail. The non-recovery of dowry articles was also taken note of but in view of the law as laid down in ***Bhupender Singh Versus State Of Punjab 2014 (2) RCR (criminal) 109, Prit Pal Singh Versus State of Punjab 2014 (Supplementary) Criminal Court Cases 581 (P&H)*** and various other decisions wherein it had been held that on allegations that dowry articles were yet to be recovered, bail could not be denied to the petitioners, confirmed the bail.

5. The petitioner herein has not been able to point out any circumstance where the respondents have violated the terms and conditions of the bail order as specified in order dated 13.10.2016. Moreover, this

Court is informed that the proceedings under the FIR have already commenced and evidence has been recorded. In such a situation, no ground is made out for cancellation of the bail granted to respondents No. 2 to 5 who are facing trial.

6. Dismissed.

20.02.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.