

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

**Criminal Misc. No.M-46062 of 2016 (O&M)
Date of Decision: September 10, 2018**

Smt. Pratibha Deb

.....PETITIONER(s).

VERSUS

State of Haryana and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aman Pal, Advocate
for the petitioner (s).

Ms. Dimple Jain, A.A.G. Haryana.

Mr. Sunil K. Panwar, Advocate
for respondents No.2 and 3.

SURINDER GUPTA, J.

Heard.

This is petition seeking cancellation of anticipatory bail allowed to respondents No.2 and 3 vide order dated 27.12.2014 (Annexure P-1).

FIR No.384 dated 24.12.2014 was registered at Police Station Sector-40, Gurgaon on the complaint filed by daughter-in-law of respondents No.2 and 3 for the offence punishable under Section 8 of Protection of Children from Sexual Offences Act, 2012. Admittedly, the police has earlier submitted cancellation report dated 25.07.2015 which was, however, not accepted as the complainant-petitioner has filed a protest petition and matter was sent for reinvestigation.

Learned State counsel on instructions from SI Raj Bala submits that till date, no evidence for commission of offence as alleged, is found against respondents No.2 and 3 in this case, however, police has yet to submit final report in Court.

Learned counsel for petitioner has sought cancellation of bail of respondents No.2 and 3 on the ground that during the pendency of investigation, respondents No.2 and 3 have twice visited abroad without permission of the Court despite there being condition in the bail bond that they will surrender their passport before the police/Court.

Learned counsel for respondents No.2 and 3 submits that the conditions as mentioned in the bail order dated 27.12.2014 could be in force in the event of arrest of respondents No.2 and 3 and their release on bail on furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. In this case, respondents No.2 and 3 have never been arrested or asked to furnish personal bond or surety bond, as such, the conditions were not applicable on private respondents and they have not violated the same. Earlier also, petitioner had moved application seeking cancellation of bail before the Court of Sessions on the similar ground, which was dismissed vide order dated 30.01.2015 (Annexure P-3). Again petitioner moved application seeking cancellation of bail of private respondents before the Court of Additional Sessions Judge, Gurgaon which was also dismissed vide order dated 28.09.2016 (Annexure P-4). Purpose of petitioner is only to harass the private respondents, who are her parents-in-law as husband i.e. son of private respondents is after their properties and want to harass them. This case is an example of lust of a son, who by

lodging false FIR against his parents want to usurp their properties. Falsity of allegation in FIR are evident from the fact that till date, respondents No.2 and 3 have not been arrested by the police.

As per statements of learned State counsel, respondents were never arrested or released on bail as per order dated 27.12.2014 allowing them anticipatory bail as there is no evidence of any offence as mentioned in FIR till date, as such, terms and conditions as mentioned in bail order (Annexure P-1) are not applicable to respondents No.2 and 3. Even if they have gone abroad after passing of that order, there is no violation of the same. The filing of repeated applications seeking cancellation bail of private respondents shows that petitioner is desperate to keep private respondents involved by filing one petition or the other which is apparently misuse of the process of Court. This petition is also an attempt in the same direction, which is without merits and is dismissed with costs of ₹25,000/-, payable by petitioner to respondents No.2 and 3.

September 10, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***