

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-6983 of 2018
Date of Decision: 19.2.2018**

Manveen Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

ANITA CHAUDHRY, J (ORAL)

This is a petition seeking cancellation of anticipatory bail allowed to the mother-in-law, sister-in-law and the father-in-law.

I have heard the counsel for the petitioner at great length.

The complainant was married to Arshpreet Singh in February, 2014. The husband is aboard. Allegations of dowry demand and cruelty were made. The private respondents No.2 to 4 approached the Court for anticipatory bail. They were asked to join investigation. Thereafter, the Additional Sessions Judge, Ludhiana allowed the anticipatory bail to them on 06.01.2018.

Counsel for the petitioner refers to the order Annexure P-2 and states that an argument had been made on behalf of the applicant that certain articles had been brought by them which they wanted to hand over to

the Investigating Officer and the private respondents were asked to appear

before the Investigating Officer on three dates and in the meantime those articles were not handed over and the main order is silent on this aspect and the Additional Sessions Judge did not referred to the order and allowed the anticipatory bail without considering the fact that the articles which they wanted to handed over and were in their possession had not been given back and bail should be cancelled and post conduct should be considered and it was a fit case for cancellation of bail.

I have gone through the orders referred to by the learned counsel for the petitioner.

A complaint had been lodged by the wife against the husband, sister-in-law, mother-in-law and father-in-law. The sister-in-law, mother-in-law and father-in-law filed an application seeking anticipatory bail. They were directed to join the investigation. They had joined the investigation on a number of occasions. The plea put forward by the prosecution was that since the dowry articles had not been recovered, therefore, custodial interrogation was necessary. The Additional Sessions Judge while disposing of the anticipatory bail plea on 06.01.2018 had referred to a number of judgments and had held that custodial interrogation was not necessary for recovery of dowry articles and non-recovery of the articles would not disentitle them to the concession of anticipatory bail.

The Additional Sessions Judge, Ludhiana after evaluating the averments and the accusations was inclined to grant anticipatory bail. The discretion exercised in favour of the private respondents cannot be said to be illegal or perverse. Non-recovery of dowry articles is not a ground for cancellation of anticipatory bail.

The petitioner has been unable to show that the private respondents had misused the concession of anticipatory bail.

The petition is dismissed *in limine*.

(ANITA CHAUDHRY)
JUDGE

February 19, 2018
ps-I

Whether speaking/reasoned	:	Yes
Whether reportable	:	No