

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM M-16554 of 2018

Date of Decision: April 01, 2019

(1) Nishu Bala .....Petitioner

Versus

State of Punjab and another .... Respondents

CRM M-16779 of 2018

(2) Nishu Bala .....Petitioner

Versus

State of Punjab and another .... Respondents

CRM M-16859 of 2018

(3) Nishu Bala .....Petitioner

Versus

State of Punjab and another .... Respondents

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Neeraj Madaan, Advocate  
for the petitioners.

Mr. Rinki Singhania, Advocate  
for respondent No.2.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

**FATEH DEEP SINGH, J. (Oral)**

The above detailed petitions moved under Section 439

Cr.P.C seeking a prayer for cancellation of anticipatory bail granted to the private respondents in the same very FIR No.70 dated 21.06.2016 under Sections 498-A, 354, 323, 120-B IPC and Section 406 IPC (added lateron) registered at Police Station City Jalalabad, District Fazilka, are being taken up and disposed off together.

Heard Mr. Neeraj Madaan, Advocate for the petitioners, Mr. Avtar Singh Sandhu, Addl. A.G., Punjab and Mr. Rinki Singhania, Advocate for respondent No.2 and perused the records with their able assistance.

A case by way of above detailed FIR was got registered against Darshana Rani, Darshan Lal Batra and Navdeep Kumar at the instance of complainant Nishu Bala, wife of Darshan Lal Batra, the present petitioner. The then accused/respondents secured interim bail from this Court. During the subsistence of *ad interim* bail a compromise settlement deed was got executed on 14.07.2017 whereby the parties had undertaken to abide by certain commitments which are part of the compromise/settlement and need not be reiterated here for the sake of brevity.

Now the petitioner/wife has invoked the jurisdiction of this Court seeking cancellation of the bail. The primary grouse of the wife is that the husband has gone back from his undertaking as he has failed to provide all the amenities to the wife as well as the minor child and also neglected the wife and has left her to fend for herself and, therefore, having violated the terms of settlement, the orders of anticipatory bail qua all these need to be recalled. The

accused/respondents as well as the State in their stands has taken a plea that throughout this period neither any of the parties have filed cancellation of the FIR and that upon the completion of investigation challan has been presented and charges have been framed and the trial is underway before a Court of learned Judicial Magistrate 1<sup>st</sup> Class Jalalabad and, therefore, the present matter has been rendered otiose.

Appreciating the submissions, it was consequent upon registration of the FIR in the year 2016, the accused then petitioners were granted *interim* bail and which continued till this Court vide order dated 25.01.2019 made the orders absolute. This Court seeks support from Manjit Prakash and others Vs. Shobha Devi and another, 2009(13) SCC 785.

It is not the case of the complainant that the present petitioners in any of these petitions that the orders were unjustified, illegal or perverse or that they have threatened the witnesses or stifled the trial. It is after so many years, the parties have been at loggerheads and it was after the grant of *ad interim* anticipatory bail, the parties settled their dispute and that the investigation have already come about and the trial has been set into motion. The accused have enjoyed the concession of anticipatory bail over a long time and this petition has come about in 2018 when the parties again have fallen apart as is apparent from the orders which are sought to be recalled whereby it is specifically mentioned that the parties have resumed matrimonial ties. More so, it was not the grounds of compromise between them which led to being sole reasons for grant of the relief of anticipatory bail

rather a sum of Rs.33,000/- was ordered to be deposited by the accused which were paid as litigation expenses to the complainant and that the accused had joined the investigations and the Court has held that they are not involved in any other criminal activity or there was no reasonable apprehension that they will abscond or influence the witnesses in any manner. Purely because after resumption of cohabitation, the parties have again fallen apart cannot be construed to be a reasonable and bonafide grounds for cancellation of the bail so granted to the accused and rather to the mind of this Court, the present petitions are nothing but being tools of wrecking vengeance and forcing the accused to accede to ingenuine demands of the complainant. The counsel for the petitioners could not convince this Court in what manner and how if the accused are allowed to remain on bail would be detriment to the dispensation of justice. Sending the petitioners behind the bars would be highly unjustified and cruel at this stage. Finding no merits of the petitions seeking cancellation of the bail are hereby declined and dismissed.

**April 01, 2019**  
**amit rana**

**(FATEH DEEP SINGH)**  
**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No