

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-21251 of 2018 (O&M)

Date of Decision: 23.01.2019

Supriya Singh

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ashwani Talwar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Ajay Kalra, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 is for cancellation of anticipatory bail granted to respondent no.2 vide order dated 03.04.2018 passed by this Court in CRM-M-28586-2017 in FIR No.29 dated 22.06.2017 under Sections 498-A, 406, 506, 323, 377 IPC registered at Mahila Police Station Panchkula, District Panchkula.

Learned counsel for the petitioner-complainant refers to the order dated 03.04.2018 passed in CRM-M-28586-2017, whereby this Court while granting anticipatory bail to the respondent-accused has considered

to the undertaking given on behalf of counsel for the respondent-accused (petitioners therein) to the effect that *“in order to display their bona fides the petitioners are willing to deposit a sum of ₹ 02 lakh by way of FDR in favour of the complainant without prejudice to their rights and subject to the outcome of the trial. Petitioner No.1 undertakes to take all requisite steps for transfer of ownership of the Hyundai Toyota (Creta) car in question in favour of the complainant/respondent no.2 within one week from today”*.

However, liberty was granted to the present petitioner-complainant (respondent no.2 therein) to move an appropriate application in case any of the respondent-accused indulges in any kind of activity consisting of an infraction of the conditions of bail or make an attempt to threaten or intimidate the complainant.

In the background of the aforesaid submissions, learned counsel for the petitioner-complainant has argued that the respondent-accused is required to deposit a sum of ₹ 2 lacs by way of FDR in favour of the petitioner-complainant without prejudice to his rights and subject to the outcome of the trial, however, the FDR has not been deposited with the trial Court, as directed by this Court.

This fact has been controverted by counsel for the respondent-accused, stating that an FDR for an sum of ₹ 2 lacs was prepared and the same is still lying in the trial Court.

Learned counsel for the petitioner has further submitted that the very spirit of order dated 03.04.2018 passed in CRM-M-28586-2017 does reflect that the respondent-accused are required to transfer the

ownership of the car in question in the name of the petitioner-complainant, but as the petitioner is a resident of Haryana, a sum of Rs.87,000/- approximately is required to be spent towards registration charges. Moreover, the respondent-accused is insisting her to come to Ghaziabad where the petitioner apprehends threat to her life.

After hearing learned counsel for the parties, the present petition is disposed of, at this stage, with following directions:-

- (i) That the respondent –Vivek Kumar Chaudhary shall prepare/deposit an FDR for a sum of Rs.2 lakhs in the name of the petitioner – Supriya Singh before the trial Court, in case the same has not been deposited so far; In case the FDR has already been deposited, the same be got renewed/revalidated till the conclusion of trial;
- (ii) That as the car in question is required to be transferred in the name of petitioner in the State of Haryana, as she is residing in Haryana and a sum of Rs.87,000/- approximately shall be incurred for registration thereof, respondent No.2 is directed to come forward with all necessary documents to execute registration of the vehicle with the registering authority at Panchkula on any working day within a period of 20 days from today. If permissible, he may seek prior appointment with the registering authority. The date of visit of the respondent - Vivek Kumar Chaudhary before the registering authority, Panchkula be conveyed to the petitioner well

in advance. He shall bear 50% of the registration charges and shall not create any hindrance in the smooth transfer of the vehicle in question in the name of the complainant.

- (iii) Petitioner-complainant is also directed to carry all necessary documents including the insurance policy of the vehicle with her, so that the vehicle in question is transferred without any possible objections by the registering authority.

January 23, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No