

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

CRM-M-16305-2019

Date of decision: 10.4.2019

Sonika Mahajan

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Suvir Sidhu, Advocate for
Mr.RK Kangra, Advocate for the petitioner

JITENDRA CHAUHAN, J.

The present petition under Section 439(2) of the Code of Criminal Procedure has been filed for cancellation of anticipatory bail granted to respondent No.2 vide order dated 8.9.2017 (Annexure P-3) passed in CRM-M-16472-2016 in case FIR No. 30 dated 24.2.2016, registered under Sections 420, 494, 467, 468, 471, 120-B IPC at Police Station Division No.4, Ludhiana.

Respondent No.2 is the alleged second wife of main accused Vijay Mahajan, husband of the petitioner/complainant.

Learned counsel for the petitioner contends that respondent No.2 had fabricated a false divorce certificate purported to be issued by Supreme Court of British Columbia. She also travelled with the husband of the petitioner Vijay Mahajan as his wife. It is further asserted that respondent No.2 has purchased a scooter by mentioning her address i.e. of Vijay Mahajan alongwith his telephone number. The petitioner is facing

threats at the hands of respondent No.2. She has also guilty of deliberately misleading this Court.

Heard.

Hon'ble the Supreme Court in **Aslam Babalal Desai vs State Of Maharashtra AIR 1993 SC 1**, observed as under:-

“... the grounds for cancellation under [Sections 437\(5\)](#) and [439\(2\)](#) are identical, namely, bail granted under [Sections 437\(1\)](#) or (2) or [439\(1\)](#) can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. These grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to”.

In the case in hand, there is no document on record to prove the bald assertion of the petitioner that respondent No.2 ever extended any

threat to her at any point of time. The petitioner had filed a similar petition for cancellation of bail granted to respondent No.2, which was dismissed by this Court vide order dated 22.5.2018. No fresh circumstance has been pointed out by the learned counsel for the petitioner to make out a case for cancellation of bail granted to respondent No.2.

Dismissed.

10.4.2019

gsv

[JITENDRA CHAUHAN]
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No