

268.

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

CRM-M-32027-2018

Date of decision: 22.07.2019

APRANA

... Petitioner

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ankur Bansal, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARI PAL VERMA, J.

Petitioner-complainant has filed the present petition under Section 482 Cr.P.C. for quashing of impugned order dated 22.03.2018 passed by learned Judicial Magistrate 1st Class, Jalandhar (Annexure P-1) vide which the prayer of the petitioner to cancel the anticipatory bail granted to respondent No.2 vide order dated 11.11.2016, has been declined. Challenge has also been laid to the order dated 06.06.2018 passed by learned Additional Sessions Judge, Jalandhar (Annexure P-2), whereby the revision filed by the petitioner against the order dated 22.03.2018, was dismissed.

Briefly stated, an FIR No.121 dated 06.09.2016 under Sections 406/498-A of IPC was registered at Police Station Women Cell, Jalandhar against the accused including respondent No.2-Shakuntla Devi (mother-in-law of the complainant). As per FIR, marriage of the complainant was solemnized with Pardeep Garg on 30.05.2015 at Ludhiana. After some time

of the marriage, behaviour of her husband-Pardeep Garg was changed. On 03.07.2015, the complainant had gone with her husband to Goa, where she fell ill. On their arrival at Delhi airport from Goa, the complainant asked her husband that, if possible, they can stay at her sister's house at Faridabad as she is not feeling well. Hearing it, her husband became angry and rather left her at the airport and went to Ludhiana. Later her sister and brother-in-law (sister's husband) had come to airport and took her to Faridabad, from where her father took her to Jalandhar. She stayed at the parental house for about 15 days. She told her father that the accused used to give her beatings. On this, her father went to the sister of Pardeep Garg, namely, Neelam Aggarwal at Jalandhar. Neelam Aggarwal called her in-laws to her house, where they assured that they will not raise any demand in future and on this assurance, the complainant was taken back to Ludhiana. But the behaviour of the accused did not change. They again started giving beatings to her daily and also taunt her that she is not beautiful, her height is short as compared to Pardeep Garg and is incapable of giving birth to a child. She was also taunted that her parents have not given sufficient dowry at the time of marriage. In July, 2015, the complainant asked her mother-in-law to give her some money, but instead of giving money, she had given beatings to her. She also gave pushes to the complainant, due to which, the complainant fell on the bed and the corner of the bed hit her back. The complainant shared this fact to her husband, but he did not give any attention to her. On 08.08.2015, her husband took her to Jalandhar where the complainant got treated herself of the injury suffered at the hand of her mother-in-law. Her medical reports were sent to her husband-Pardeep Garg on his whatsapp and the next day, she received a call from her husband that he wanted divorce

from her. On 26.10.2015, a panchayat was convened and her husband clearly refused to rehabilitate her in the matrimonial home.

In the aforesaid FIR, respondent No.2 approached the learned Additional Sessions Judge, Jalandhar for grant of anticipatory bail. She was granted interim bail vide order dated 13.09.2016, subject to certain laid down conditions. Thereafter, vide order dated 11.11.2016, taking into consideration the fact that she has joined the investigation and recovery of one gold chain, one gold ring, two silver chains and one artificial set and some household articles was made, though rest of the dowry were yet to be recovered, the order dated 13.09.2016 whereby respondent No.2 was granted interim bail was made absolute, by the learned Additional Sessions Judge.

Learned counsel for the petitioner has argued that in violation of the conditions imposed by the learned Additional Sessions Judge while granting interim bail vide order dated 13.09.2016 which was subsequently made absolute vide order dated 11.11.2016, respondent No.2, without taking any permission from the court below, had gone abroad and did not appear before the trial Court on 07.02.2018. Though respondent No.2 had moved an application seeking exemption for her personal appearance before the trial Court, however, when the said fact came to the notice of the trial Court, her application was dismissed observing that she has violated the conditions imposed upon her while granting interim bail and accordingly issued non-bailable warrants. He states that trial Court should have cancelled her bail instead of issuance of non-bailable warrants.

Learned State counsel states that after investigation, challan as

framed and case is now fixed for prosecution evidence.

Heard counsel for the parties.

There is no dispute that the challan in the case has been presented and charge has been framed. In this manner, the order granting anticipatory bail has come to an end as after submission of the challan, the accused must have been admitted on regular bail. Therefore, the argument of counsel for the petitioner that the trial Court should have cancelled the anticipatory bail granted to respondent No.2 for violating the order dated 13.09.2016 passed by learned Additional Sessions Judge, cannot be accepted. For non-appearance, the trial Court has already issued non-bailable warrants against respondent No.2. Therefore, no interference is warranted in the case.

In view of above, this Court does not find any illegality in the orders passed by the court below.

Dismissed.

(HARI PAL VERMA)
JUDGE

22.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No