

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-38454 of 2016 (O&M)
Date of decision : May 07, 2019

Pooja Tandon

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Nandan Jindal, Advocate, for the petitioner

Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State/
respondent no. 1

Mr. HS Randhawa, Advocate, for respondent no. 2

Fateh Deep Singh, J. (Oral)

The complainant present petitioner Pooja Tandon who happens to be the wife of Amit Tandon accused in case FIR No. 55 dated 28.5.2016, under Sections 406,498-A, 120-B IPC, Police Station Women, Patiala has sought cancellation of the anticipatory bail granted to the accused husband Amit Tandon.

The brief allegations which forms the strength of this

present petition in precise are that though the husband alleged to have joined the investigations yet the entire articles of Ishtridhan have not been recovered and has sought to level insinuation that it was on flimsy reasons the court below has granted anticipatory bail to the husband vide orders dated 12.9.2016 and thus, sought cancellation of the said concession.

The private respondent in his rejoinder has denied the allegations spelled out by the wife-petitioner and has claimed that since he has joined the investigations and being simple marriage not much was given or taken at the wedding and therefore, question of recovery as per the claim of the wife does not arises.

Upon hearing Mr. Nandan Jindal, Advocate, for the petitioner; Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State/ respondent no. 1 and Mr. HS Randhawa, Advocate, for respondent no. 2 and perusal of the records. In compliance with orders of anticipatory bail granted by the court below to husband respondent no. 2 Annexure P/6, the accused has joined the investigations and has sought to place reliance on recovery memo dated 31.8.2016 to the effect that certain articles have been recovered and no gold was recovered from the possession of the accused. Further-more as has been pointed out in the arguments what has weighed heavily in the

mind of the court below that the accused has since joined the investigations and has abided by the conditions imposed in the interim bail and which necessitated affirmation of the orders of the interim bail.

The Hon'ble Apex Court **Manjit Prakash & Ors vs Shobha Devi & Anr. 2008(3) R.C.R. (Criminal) 768** has made the following observations:-

“7. It is, therefore, clear that when a person to whom bail has been granted either tries to interfere with the course of justice or attempts to tamper with evidence or witnesses or threatens witnesses or indulges in similar activities which would hamper smooth investigation or trial, bail granted can be cancelled. Rejection of bail stands on one footing, but cancellation of bail is a harsh order because it takes away the liberty of an individual granted and is not to be lightly resorted to.”

What is apparent from the order granting relief of anticipatory bail to the husband appears that the court below has exercised its discretion in a judicious manner and thus, it cannot be merely on the basis of the allegations that all the articles of Ishtridhan have not been recovered would impel this Court to adhere to the prayer of the petitioner. There is nothing brought to the notice of this Court that the accused who has been granted this concession is

likely to interfere in the course of justice or would stifle with the trial by either threatening the witnesses or indulging in activities which are incompatible to a fair trial before the court. Thus, in the light of the same, this Court is not inclined to show indulgence. The petition being hopelessly without any merit, stands dismissed.

May 07, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No