

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

**Criminal Misc. No.M-41056 of 2018 (O&M)
Date of Decision: July 17, 2019**

Sonia Rani

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarju Puri, Advocate
for the petitioner (s).

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

Mr. Arun Singla, Advocate
for respondent No.2.

SURINDER GUPTA, J.

This is petition under Section 439(2) Code of Criminal Procedure seeking cancellation of anticipatory bail granted to respondent No.2 vide order dated 10.08.2018 passed by learned Additional Sessions Judge, Hoshiarpur in case FIR No.130 dated 25.06.2018 registered for the offence punishable under Sections 306 and 506 of Indian Penal Code, at Police Station Garhshankar, District Hoshiarpur.

Learned counsel for the petitioner submits that learned Additional Sessions Judge while allowing anticipatory bail to respondent No.2 vide order dated 10.08.2018, has not seen the gravity of the offence.

Order passed by learned Additional Sessions Judge is perverse and seeks

cancellation of bail on the following grounds:-

- (i) At the time of allowing bail to respondent No.2, investigation was at crucial stage;
- (ii) Investigating Officer has not looked into the compact disc provided by the petitioner to the police, which contained audio conversation between respondent No.2 and the deceased;
- (iii) The Court has not looked into the fact that in March, 2018, respondent No.2 had taken away the car of the deceased and in June, 2018 a legal notice was given by the deceased regarding issuance of blank cheque by deceased to respondent No.2 and a payment of ₹2 lakh was made by the deceased to her, who insisted for more payment.

As per the allegations in the FIR, husband of petitioner namely Vijay Kumar was having money dealing with respondent No.2. She had taken a writing about outstanding amount of ₹7 lakhs towards him. Thereafter, she was giving threats to him to return the above amount or she will get him involved in some case. On 06.06.2018, a sum of ₹2 lakhs was paid to respondent No.2. She also took possession of Swift car of deceased and got it transferred in her name for a consideration of ₹2,88,000/-. On 26.02.2018, her husband scribed a suicide note and committed suicide on 23.06.2018.

Learned Additional Sessions Judge while allowing anticipatory bail to respondent No.2, has taken into account the suicide note and the other facts argued before him. The reasons as put forth by learned counsel for the petitioner are subject matter of investigation. If the petitioner has any grouse against the mode of investigation being carried out by the police,

she has got a separate remedy in this regard but it cannot be a reason to cancel the bail of respondent No.2.

Learned counsel for the petitioner has relied on the observations of Hon'ble Apex Court in case of ***Puran Vs. Rambilas 2001 SCC (Cri) 1124***, wherein it has been observed that where the material fact and evidence on record has been ignored while granting the bail in a heinous crime, the order is perverse. He has also relied upon the observation of Division Bench of this Court in case of ***State of Punjab Vs. Jagjit Singh Chahal 2015(3) PLJ (Criminal) 631***, wherein cancellation of bail was allowed as the relevant documents were not before the Court and the bail was allowed in a haste.

In the case of ***Puran Vs. Rambilas (supra)***, it was also observed by Hon'ble Apex Court that the concept of recalling the order of bail is totally different from declining the bail.

In this case, there is no allegation by the State that respondent No.2 has misused the concession of bail allowed to her. Learned Additional Sessions Judge has taken note of the facts and documents that have come on record including suicide note while allowing the bail. The order allowing bail cannot be termed as either perverse or passed in haste.

Learned State counsel on instructions from ASI Om Prakash submits that after investigation, respondent No.2 has been found innocent and cancellation report has been prepared which will be presented in Court in due course.

In view of the facts discussed above, no reason for recalling order dated 10.08.2018 allowing anticipatory bail to respondent No.2, is

made out.

This petition has no merits. Dismissed.

July 17, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No