

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

CRM-M-28193 of 2019.

Decided on:- July 05, 2019.

Leena.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Sandeep Kotla, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 482 read with Section 439(2) Cr.PC for cancellation of anticipatory bail granted to respondent No.2 vide order dated 03.05.2019 (Annexure P-2) passed by learned Additional Sessions Judge, Hisar in FIR No.101 dated 25.03.2019 under Sections 498-A, 406, 506 and 323 read with Section 34 IPC registered at Women Police Station City Hisar.

Learned counsel for the petitioner-complainant has argued that recovery of the dowry articles has not been effected. After getting bail, respondent No.2 is pressurising the witnesses and the petitioner, not to adduce evidence and has tried to win over the witnesses by threatening them for life,

therefore, the anticipatory bail granted to respondent No.2-accused is liable to be cancelled.

I have heard learned counsel for the petitioner.

Perusal of order dated 03.05.2019 passed by learned Additional Sessions Judge, Hisar shows that the Public Prosecutor has very fairly conceded that respondent No.2 has joined the investigation and recovery has been effected from him.

Moreover, Hon'ble Supreme Court in ***Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836*** has held that recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of the wife/minor children can otherwise be protected. Similar view has also been taken by Hon'ble Supreme Court in ***Social Action Forum for Manav Adhikar and another Versus Union of India, Ministry of Law and Justice and others 2018 (4) R.C.R. (Criminal) 226.***

Therefore, the argument of learned counsel for the petitioner-complainant that the recovery of dowry articles has not been effected so far, is no ground to cancel the anticipatory bail granted to respondent No.2 vide order dated 03.05.2019 (Annexure P-2) passed by learned Additional Sessions Judge, Hisar.

So far as the plea taken by the petitioner that respondent No.2 is pressurising the petitioner and other witnesses not to adduce evidence in this case is concerned, the same cannot be accepted as the petitioner has not

placed on record any document to show that as to whether she has made any representation before the concerned authority regarding her alleged harassment and threat caused by respondent No.2 after grant of anticipatory bail, but instead thereof, she has straightaway approached this Court seeking cancellation of anticipatory bail granted to respondent No.2.

Therefore, this Court finds that no ground is made out to cancel the anticipatory bail granted to respondent No.2 vide order dated 03.05.2019 (Annexure P-2) passed by learned Additional Sessions Judge, Hisar.

The present petition is, accordingly, dismissed.

July 05, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No