

107.

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

CRM-M-39077-2019

Date of decision:13.09.2019

AABIDA

.... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.K. Singla, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439(2) of Cr.P.C. is for cancellation of regular bail granted to respondent No.2-Mohd. Farooq vide order dated 16.07.2019 (Annexure P-2) passed by this Court, in case FIR No.93, dated 20.10.2018 registered under Sections 376(2)(n), 506 of IPC and Section 6 of POCSO Act, 2012 at Police Station City 1, Malerkotla, District Sangrur.

The aforesaid FIR was registered at the behest of petitioner against respondent No.2-accused with the allegation that on the pretext of marriage, he made physical relations with her without her consent several times and also took her nude photos and videos. Respondent No.2 was arrested in the case on 11.05.2019. Since the matter was compromised between the parties and they solemnized marriage on 06.11.2018, respondent No.2 approached this Court for grant of regular bail by way of

CRM-M-28981-2019 titled as ***Mohd. Farooq Versus State of Punjab*** and vide order dated 16.07.2019, he was granted regular bail.

Counsel for the petitioner states that the petitioner compromised the matter and solemnized nikah with respondent No.2 with the hope that they will live a happy life as husband and wife. But soon after the statement of the petitioner in the quashing petition and also when regular bail was granted to respondent No.2, the behaviour of respondent No.2 and his family members was changed and the petitioner was thrown out of the house. They clearly told that all this was done only to get the FIR quashed and to get the regular bail.

It is in the aforesaid circumstances, the petitioner-complainant has filed the present petition.

I have heard counsel for the petitioner.

Admittedly, it is after solemnization of marriage some subsequent developments have allegedly taken between the parties. The bail was granted to the respondent on the basis of given facts as brought to the notice of court admitting him on bail.

In ***Dolat Ram and others Versus State of Haryana-(1995) 1 SCC 349***, the Hon'ble Apex Court has held as under:-

"4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of

justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail.”

In view of above, no interference is warranted.

Dismissed.

(HARI PAL VERMA)
JUDGE

13.09.2019

sanjeev

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