

101.

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

CRM-M-39958-2019

Date of decision: 19.09.2019.

PINKI DEVI

.... Petitioner

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagpal Singh, 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 anticipatory bail granted to respondent No.2- Naveen Kumar, by this Court vide order dated 08.07.2019 (Annexure P-2) in case FIR No.8, dated 04.02.2019 registered under Sections 354-C/ 376(2)(n)/451/506/509 of IPC at Police Station Women, Sirsa, District Sirsa.

The aforesaid FIR was registered at the behest of petitioner. As per FIR, the respondent No.2-Naveen Kumar is friend of the husband of the prosecutrix and used to visit their house. On 10.12.2018, Naveen Kumar showed her the photographs clicked by him when she was taking bath and asked her to make physical relations with him, otherwise he will post the photographs on face-book and whatsapp. Fearing insult, she agreed and the accused-respondent No.2 made physical relations with her at number of times. Apart from physical relations, he used to demand cash from her.

Somehow, her husband came to know about this and the matter was reported to the police. Hence, the present FIR.

Respondent No.2 approached this Court and vide order dated 08.07.2019, he was granted anticipatory bail.

It is the said order which has been challenged through the present petition.

I have heard counsel for the petitioner.

Counsel for the petitioner has argued that though the mobile in the case has been recovered, it does not mean that the pictures have also been retrieved. He has further argued that after bail, the accused is extending threat to the petitioner.

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."

Considering the law laid down by the Hon'ble Apex Court in *Dolat Ram's case* (supra) and the fact that mobile has been recovered, it is for the Investigating Agency to retrieve the pictures, if any, no interference is warranted.

Dismissed.

(HARI PAL VERMA)
JUDGE

19.09.2019
sanjeev

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