

107.

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

CRM-M-42731-2019

Date of decision: 04.10.2019

DAVINDER KAUR

.... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439(2) of Cr.P.C. read with Section 482 Cr.P.C. is for cancellation of anticipatory bail granted to respondents No.2 & 3 vide order dated 10.01.2019 (Annexure P-3) passed by the learned Additional Sessions Judge Amritsar, in case FIR No.297, dated 17.12.2018 registered under Sections 406, 498A of IPC at Police Station Jandiala, Amritsar Rural, Amritsar.

The aforesaid FIR was registered at the behest of Davinder Kaur (the petitioner herein). As per the prosecution version, the complainant got married with Baljinder Singh on 20.12.2015. Since the in-laws were not happy with the dowry articles given in the marriage, they used to harass the complainant and also given beatings to her. On 08.10.2016, she gave birth to a female child at Guru Nanak Dev Hospital, and from there, she went with her parents, out of fear. In fact, the in-laws were not happy with the female child, they want a male child. On 13.10.2016, a panchayat was convened

and she again rehabilitated at her matrimonial home, but on 16.10.2016, she was again given beatings. On 26.02.2017, after giving beatings, she was thrown out of the house.

Respondents No.2 & 3 who are respectively the husband and mother-in-law of the complainant, approached the court of learned Additional Sessions Judge, Amritsar, for grant of anticipatory bail and accordingly, vide order dated 10.01.2019, they were granted anticipatory bail.

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

The Hon'ble Apex Court in ***Dolat Ram and others Versus State of Haryana, (1995) 1 SCC 349*** has been held that the bail granted to the accused should not be cancelled in a mechanical manner. The observation made by the Hon'ble Apex Court in ***Dolat Ram's*** case (*supra*) reads as under:-

“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. However, bail once granted should not be cancelled in a mechanical manner without

considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.”

In view of above, no case for interference is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

04.10.2019

sanjeev

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