

107.

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

CRM-M-46582-2019

Date of decision: 01.11.2019

ARVINDERJIT KAUR

.... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Inderjit Sharma, 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 bail granted to respondents No.2 & 3, namely, Lakhwinder Singh and Manjit Kaur respectively, vide order dated 22.08.2019 (Annexure P-1) passed by the learned Additional Sessions Judge Amritsar, in case FIR No.0150 dated 01.07.2019 registered under Sections 498-A, 323 of IPC at Police Station Beas, District Amritsar Rural.

The aforesaid FIR was registered at the behest of petitioner against respondents No.2 and 3 (her parents-in-law). As per the FIR, she got married with Gurwinder Singh (son of respondents No.2 and 3) on 27.02.2019. At the time of marriage, sufficient dowry was given to the in-laws, but soon after the marriage, her husband and parents-in-law started harassing the petitioner for not bringing a car in dowry. She was sent back to her parents' house, but with the intervention of respectable persons and the relatives, the matter was compromised. On 30.06.2019 her *maami* came to

meet her, and the next day at about 4 o'clock in the morning, her husband, on the instigation of other family members, put *chuni* on her neck and dragged her, due to which, she received injuries on her neck and when she raised noise, her *maami* rescued her.

Respondents No.2 & 3 approached the court of learned Additional Sessions Judge, Amritsar for grant of anticipatory bail and accordingly, vide order dated 22.08.2019, they were granted anticipatory bail.

Aggrieved against the order of grant of anticipatory bail to respondents No.2 & 3, the petitioner-complainant has approached this Court through the instant petition.

Counsel for the petitioner has argued that it is on the instigation of respondents No.2 & 3, her husband-Gurwinder Singh tried to finish her. Had her *maami* not be there, she must have been killed. He has further argued that the jewellery of the petitioner has been pledged with the jeweller and recovery is yet to be effected. Her husband is the main accused, but the respondents have sent him to abroad.

Heard.

Learned Additional Sessions Judge has granted bail to respondents No.2 and 3 on the statement of the concerned Investigating Officer that their custodial interrogation is not required in the case. Even otherwise, it is only during the trial, the factum of pledging jewellery will be considered.

The Hon'ble Apex Court in ***Dolat Ram and others Versus State of Haryana, (1995) 1 SCC 349*** has 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.”

There is no dispute with regard to the proposition of law as laid down by Hon'ble the Apex Court. The consideration for the cancellation of bail are totally different than the one for granting the bail. Such considerations should be weighty and strong, leaning towards the prosecution and the injuries suffered by the aggrieved party. No material or

circumstance has been brought to the notice of this Court, which could be a ground to cancel the bail.

Accordingly, no case for interference is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

01.11.2019
sanjeev

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