

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

CRM-M-7545 of 2020 (O&M)
Decided on:- February 20, 2020.

Priti.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Mukesh Yadav, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for cancellation of anticipatory bail granted to respondent No.2 vide order dated 10.02.2020 passed by learned Additional Sessions Judge, Rewari in FIR No.22 dated 03.02.2020 under Sections 313, 323, 328, 354-A and 498-A read with Section 34 IPC registered at Police Station Rohrai, District Rewari.

Learned counsel for the petitioner has argued that the petitioner has specifically mentioned in her complaint to the police that she was pregnant and the members of her in-laws family got aborted her child by kicking her stomach. Thereafter, she was taken to the hospital and on 02.02.2020, her husband, father-in-law and mother-in-law gave poisonous substance to kill her. When she became unconscious, she was taken to the hospital in serious condition, but the respondent No.2 managed the hospital as well as the police and got prepared a false report. However, learned

Additional Sessions Judge, Rewari has not considered the facts of the case and allowed the bail application of respondent No.2.

I have heard learned counsel for the petitioner.

It has neither been pleaded nor argued on behalf of the petitioner that after grant of anticipatory bail, the respondent No.2-accused, who is husband of the petitioner, has misused the concession of bail. So far as the argument of learned counsel for the petitioner that the petitioner was pregnant and the respondent No.2 had managed the hospital as well as the police and got prepared a false report is concerned, this fact can only be established by the prosecution during the course of trial by leading evidence.

In ***Dolat Ram and others Versus State of Haryana (1995) 1 SCC 349***, Hon'ble Supreme Court has observed 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 the above and considering the law laid down in ***Dolat Ram and others’ case (supra)***, this Court finds that the prayer for cancellation of anticipatory bail granted to respondent No.2 cannot be accepted.

The present petition is, accordingly, dismissed.

February 20, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No