

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

**CRM-M-486-2019(O&M)
Date of Decision: 16.09.2021
(Heard through VC)**

Manjinder Kaur

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arjun Atri, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Gaurav Sethi, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439(2) Cr.P.C., for cancellation of anticipatory bail allowed to respondent No. 2- Manish Kumar by learned Sessions Judge, Ambala, vide order dated 14.12.2018 in case FIR No.122 dated 13.11.2018 under Sections 323, 406 and 498A IPC registered at Police Station Ambala, District Ambala.

Learned counsel for the petitioner herein would contend that the very bail order has been obtained by misrepresenting certain facts. It is submitted that a statement had been given before the Court below that a petition under Section 9 of the Hindu Marriage Act had been filed by respondent No. 2, but it was the complainant who had refused to accompany him. It is argued that in fact the petition under section 9 of the

Hindu Marriage Act has not seen the light of the day till date and, therefore, bail has been obtained by misrepresenting the facts.

Learned counsel for the respondent No. 2 husband would contend that at the time when bail application was filed, it was noticed by the Sessions Judge, Ambala that the respondent-husband had joined the investigation and there were recoveries of certain dowry articles. It is contended that inadvertently a statement had been given that there was a petition under Section 9 of the Hindu Marriage Act, whereas in fact a petition under Section 13 B of the Hindu Marriage Act had been filed. Therefore, there would be no ground to cancel the bail allowed to respondent No. 2. while further contending that the petitioner herein has not misused the concession of the bail allowed to him.

Learned State counsel, on instructions from SI Davinder Kaur, would submit that matter has been investigated and the challan has been presented and she has no instructions regarding misuse of the concession of the bail order by the respondent-accused. It is also submitted that all the dowry articles are yet to be recovered .

I have heard counsel for the parties and have also perused case file.

On perusal of the impugned order, I found that there is no infirmity in the order so passed by the learned Sessions Judge, Ambala, confirming the order of interim anticipatory bail allowed to respondent No. 2. Though there is a misrepresentation regarding the pendency of petition under Section 9 of the Hindu marriage Act, however, it cannot be lost sight of fact that the said statement had been given in the presence of the counsel for the petitioner herein as well as the fact that a petition under Section

13B of the Hindu Marriage Act, was pending .

Consequently, finding that respondent No. 2 has not violated any of the terms and conditions of the bail order, I see no ground to cancel the anticipatory bail granted to respondent No. 2.

Dismissed.

16.09.2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No