

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

**CRM-M-3871-2020
DECIDED ON: 15th JULY, 2021**

ARUN CHOPRA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Gaurav Kalsi, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

None for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed seeking cancellation of anticipatory bail granted to respondent No.2-Poonam (sister-in-law of the deceased) in FIR No. 111, dated 28th September, 2018, under Sections 306 read with 34 IPC registered at Police Station Maqboolpura.

The FIR was at the instance of Arun Chopra (petitioner). It was alleged that his son Vishal Chopra solemnized love marriage three years back with Kavita daughter of Shiv Dayal. After marriage, his son was residing in a flat at Amritsar. An information was received that his son had committed suicide. On receiving the information, he alongwith his family members reached Amritsar where the dead body of his son was lying on a bed and curtain was hanging on the ceiling fan.

Poonam applied for anticipatory bail before the Additional Sessions Judge, Amritsar. The prayer was opposed. It was argued that the deceased had sent an audio WhatsApp message on mobile No. 70870-54672 stating that he is leaving this world due to interference of his in-laws family. On 1st November, 2019, Poonam was granted interim bail subject to her joining investigation. On 3rd December, 2019, the Court was informed that Poonam had joined the investigation and was co-operating.

The Court also noted that Poonam claimed that when the alleged occurrence took place, her husband had met with an accident and received serious injuries. She was looking after her husband and neither went to the house of the deceased nor had any conversation with him. The interim order was made absolute.

Aggrieved of the anticipatory bail granted to Poonam, the present petition is filed.

Learned counsel for the petitioner submits that while granting the anticipatory bail, the WhatsApp audio message was not considered by the learned Additional Sessions Judge, Amritsar.

None appeared on behalf of respondent No.2 in spite of service.

The contention raised by learned counsel for the petitioner is not worth acceptance. From the impugned order, it is forthcoming that WhatsApp audio message was duly taken note of. There are no specific allegation against Poonam in the WhatsApp audio message. There is nothing on record to show that any custodial interrogation is required.

The Supreme Court in “Myakala Dharmarajam & Ors vs. State of Telangana & Anr; 2020 AIR (SC) 317; has reiterated the

“7. In *Raghubir Singh v. State of Bihar*, (1986) 4 SCC 481, this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.

8. It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail *Kanwar Singh Meena v. State of Rajasthan & Anr. (supra).*”

In the present case there is no allegation of misuse of liberty or any fear of absconding of Poonam.

No case is made out for cancellation of bail.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

15th JULY, 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No