

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21716-2018

Date of Decision: 25.08.2021.

BALJINDER KAUR

.....Petitioner

V/s.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Ms. Rimjhim Mahajan, Advocate,
 for the petitioner.

 Mr. Amit Mehta, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 439(2) Cr.P.C., seeking cancellation of anticipatory bail granted to respondent No.2 vide order dated 04.05.2018 passed by the learned Additional Sessions Judge, Jalandhar in case FIR No.67, dated 06.04.2018, lodged under Sections 498-A and 406 of the Indian Penal Code, 1860 registered at Police Station Kartarpur, District Jalandhar, Punjab.

Heard and perused the material on record including the impugned order dated 04.05.2018 (Annexure P-2) vide which respondent No.2 was extended the concession of anticipatory bail.

Learned counsel for the petitioner has failed to bring to the notice of this Court any illegality, much less, perversity on the part of the Court below while passing the impugned order. The only contention of the learned counsel is that despite there being allegations levelled against respondent No.2 of subjecting the petitioner to harassment on account of the dowry demands in addition to misappropriation of dowry articles, the Court below had extended

the concession of anticipatory bail by ignoring the fact that a lot of dowry articles have still not been recovered from the possession of respondent No.2.

The Courts should be wary of cancelling bail except of course, if some material is brought forth against the accused that subsequent to the grant of bail, he has misused his liberty by threatening the witnesses or has tried to tamper with evidence or has indulged in some other criminal activities.

Learned counsel for the petitioner has failed to bring to the notice of this Court any of the aforementioned.

Still further, bail which has been granted to respondent No.2 cannot be cancelled simply because some of the dowry articles do not stand recovered.

Learned State counsel on instructions from ASI Kabal Singh has apprised this Court that not only does the challan stands presented and charges framed but even the prosecution evidence is now underway before the trial Court.

In the circumstances, no ground is made out to accept the prayer of the petitioner, accordingly, the present petition stands dismissed.

August 25, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>