

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

CRM M-25527 of 2021 (O&M)

Date of Decision: July 07, 2021

Kusum Rani

...Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Kanhiya Soni, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner Kusum Rani present petitioner who also happens to be the complainant in case bearing FIR 49 dated 18.06.2018 under Sections 323, 498-A, 354-A(2), 506, 376(2)N, 313, 328, 34 IPC registered at Police Station Women Bhiwani has moved the instant petition under Section 439(2) Cr.P.C., seeking cancellation of the bail order dated 21.11.2018 (Annexure P-3) passed by this Court allowing the bail to the respondent/accused and the orders of the learned Additional Chief Judicial Magistrate dated 05.12.2018 (Annexure P-4)

whereby accused respondent No.2 Navneet was allowed to be released on bail.

The instant petition pertains to a matrimonial dispute of the wife of respondent No. 2 regarding which the instant FIR was got registered. This Court vide order dated 21.11.2018 passed in CRM M-35898 of 2018 allowed bail to the accused respondent No. 2 Naveet against which the present petition for cancellation has come about.

Upon hearing learned counsel for the petitioner it is clear on the records that accused Naveet was allowed interim bail vide order dated 21.08.2018 whereby the present petitioner, the complainant too had appeared and contested the bail application which stood confirmed on 21.11.2018 and at that point of time the petitioner being aware of the passing of the bail order kept quite and after almost three years has woken up from her slumber to move the instant application for cancellation of the bail. The only ground that is canvassed is that articles of dowry are yet to be recovered.

To the query of the Court learned counsel was unable to convince that the marriage alleged to have been solemnized on 31.10.2017, the bail application has been allowed in the month of November 2018 and in the absence of any other reasons/grounds taken up, how the petition is sustainable in the eyes of law. What one could decipher from

the circumstances is that the present petition is nothing but a misuse of process of the Court as a counter blast to harass and humiliate the opposite side to achieve a sinister design for a motivated cause. There is no compelling reasons or grounds canvassed which could necessitate entertainment of the present petition.

The petition being hopelessly without merits stands dismissed.

July 07, 2021

amit rana

(FATEH DEEP SINGH)**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No