

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

104

(Through Video Conferencing)

CRM-M-40437-2021

Date of decision: 28.09.2021

Preeti Gupta

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Preeti Gupta, petitioner in person.

Mr. Luvinder Sofat, AAG, Punjab
for respondent No.1-State.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439(2) of the Cr.P.C. read with Section 482 of the Cr.P.C. for cancellation of anticipatory bail granted to respondents No.2 and 3 in case FIR No.138 dated 09.05.2020 lodged under Sections 406 and 498-A of the IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

The petitioner who has appeared in person is seeking to recall/review/modify the impugned order dated 17.08.2021 (Annexure P-5) vide which the interim bail granted by a Coordinate Bench of this Court on 30.10.2020 was made absolute.

At the outset, a query was put to the petitioner if there had been any breach of condition(s) imposed upon the private respondents at the time of passing of the impugned order whereby they had been extended the concession of anticipatory bail, the petitioner was unable to bring to the notice of this Court any such breach. However, she

submitted that the private respondents had subjected her to physical and mental harassment due to their dissatisfaction with the dowry given at the time of her marriage. She still further submitted that the private respondents had been extended the concession of anticipatory bail even though recovery of dowry articles including Rs.4.25 lakhs given in cash at the time of her marriage had not been effected. Besides this, it was also urged that the private respondents had not approached this Court with clean hands as the affidavit sworn in by them was a false and fabricated one. She lastly submitted that in addition the private respondents had failed to amicably settle the matter before the Mediation and Conciliation Center and hence the impugned order which was passed in the absence of her counsel deserved to be recalled.

As advance copy of the petition already stood supplied to the State, Mr.Luvinder Sofat, AAG, Punjab appeared on behalf of respondent No.1-State. He, on instructions submitted that the private respondents pursuant to the order dated 30.10.2020 (Annexure P-2), had joined investigation and cooperated with the investigating agency and it was in the aforementioned background, he had apprised the Court that they were not required for custodial interrogation. He also submitted that the recovery of all the articles allegedly given to the private respondents at the time of marriage as per his instructions stood effected. He submitted that only recovery of Rs.4.25 lakhs given in cash could not be effected as the complainant had been unable to produce any evidence before the investigating agency qua the said payment.

I have heard the petitioner and learned State counsel and perused the material on record including the impugned order.

The prayer of the petitioner that the impugned order was passed in the absence of her counsel is devoid of any merit. It may be noticed here that the concession of anticipatory bail was extended to the private respondents only after hearing the parties i.e. counsel for the petitioner therein as well as learned State counsel. It may be reiterated that the complainant or aggrieved party is not vested with any right to directly present their case and can only assist the Public Prosecutor in discharging his responsibility. In the case in hand the order was passed in the presence of the learned State counsel and that too after the Court had been duly apprised that the private respondents were not required by the investigating agency for further interrogation. Moreover, the Court did make an attempt to get the dispute between the parties amicably settled by referring them to the Mediation and Conciliation Center of this Court, however, it failed to yield any positive result. It would be pertinent to observe that mere non-recovery of certain dowry articles would not by itself be a ground for denial of bail as has also been held by the Supreme Court in *Social Action Forum Manav Adhikar Vs. Union of India, Ministry of Law and Justice and others : 2018(4) RCR (Criminal) 226*.

In the facts and circumstances of the case as enumerated hereinabove, the instant petition, being devoid of any merit, is dismissed.

28.09.2021

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No