

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

CRM-M-41854 of 2021 (O&M)
Date of Decision: October 06, 2021

Suchita

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vineet Chaudhary, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 439(2) Cr.P.C. for setting aside the order dated 17.05.2021 passed by the Additional Sessions Judge, Fazilka, whereby respondent No.2 has been granted the relief of anticipatory bail in case FIR No.58 dated 24.03.2021, under Sections 406, 498-A, 506, 34 of Indian Penal Code, registered at Police Station City-1, Abohar, District Fazilka.

Notice of motion to respondent No.1-State only.

At this stage, Mr. A.S. Gill, Sr. DAG Punjab, who is present in court, accepts notice on behalf of respondent No.1-State.

In brief, the facts of the case are that petitioner got married to respondent No.2 on 18.10.2020 as per Hindu rites and ceremonies. This was second marriage of both the parties and both of them have taken

divorce from their first marriage. It has been alleged by the petitioner that from the beginning of marriage, respondent No.2-husband and his family members harassed the petitioner on the ground of bringing insufficient dowry and they used to pressurize her regularly to bring a car and amount in cash, which led to registration of the aforesaid FIR.

Counsel for the petitioner would argue that while allowing anticipatory bail to respondent No.2 the court below did not consider the case on merits and had not appreciated the facts of the present case. It is contended that the court below without giving any observation regarding the recovery of remaining dowry articles, which were observed in the order granting bail to the parents of respondent No.2, illegally passed the impugned order. It is submitted that a detailed investigation was conducted by the DSP, Abohar in the matter, in which it has come out that respondent No.2 along with his family members have harassed the petitioner on account of bringing less dowry and misappropriated the gold jewellery.

I have heard learned counsel for the parties and gone through the pleadings of the case.

The court below, while allowing anticipatory bail to respondent No.2 had taken into consideration all the contentions as raised by the petitioner in this petition. A perusal of order dated 17.05.2021 passed by the court below would show that in compliance of the order dated 04.05.2021, respondent No.2 did join the investigation and on the statement given by ASI Ramesh Kumar that custodial interrogation of respondent No.2 is not required, interim order dated 04.05.2021 had been confirmed. The question, whether respondent No.2 has misappropriated any of the

dowry article of the petitioner is a matter of trial. Moreover, recovery of some of the disputed dowry articles may not by itself is a ground for denial of bail. For this purpose this court relies upon judgment rendered by the Apex Court in the case of *Rajesh Sharma and others vs. State of U.P. and another*, 2017(3) RCR (Criminal) 836.

In this case, there is not a single allegation raised against respondent No.2 that he has misused the concession of bail allowed to him by the court below. Even, on asking from the learned State counsel whether respondent No.2 has misused the concession of bail granted to him by the court below or there is any complaint against him, the answer is in negative.

When a person to whom bail has been granted either tries to interfere with the course of justice or attempts to tamper with the evidence or witnesses or threatens witnesses or indulge in similar activity, which would hamper smooth investigation of trial, is a ground for cancellation of bail. In this regard, this court relies upon judgment rendered by the Supreme Court in *Manjit Prakash and others vs. Shobha Devi and another*, 2008(3) RCR (Criminal) 768. There is no such allegation neither pleaded nor argued and accordingly, this court finds no ground to cancel the bail, which had been allowed to respondent No.2 by the court below. Accordingly, the instant petition is hereby dismissed.

October 06, 2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No