

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

**CRM-M-38658-2020 (O&M)
Date of decision : 13.10.2021**

Amarjit Kaur

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Yashjot Singh Dhaliwal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Vishal Sharma, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

This petition has been filed for cancellation of anticipatory bail granted to respondent No.2 vide order dated 05.12.2019 passed in CRM-M-13547-2019 (Annexure P-2) in case FIR No.161 dated 08.12.2018, under Sections 406 and 498-A of Indian Penal Code, 1860 at Police Station Phase 11, SAS Nagar, Mohali.

Vide order dated 05.12.2019, anticipatory bail granted to the petitioner, was made absolute. In the order it was specifically observed by this Court that the counsel for the petitioner, on instructions from the petitioner, who was present in the Court, had submitted that the parties were staying together as husband and wife. On the basis of these facts, the interim order was made absolute. Thereafter, the present petition has been filed for cancellation of this order. It has been contended that the

Court was made to pass this order on a false assertion that the petitioner and the wife were staying together. It has been submitted that the petitioner after getting the bail confirmed remained with the wife for 6-7 months and the wife delivered another child. The petitioner before the delivery of the second child deserted the wife with no means of survival. This Court issued the notice of the petition and provided opportunity to the respondent to pay Rs.70,000/- as arrears of maintenance. The matter was also referred to the Mediation for resolving the dispute amicably. Despite the opportunity being provided to the petitioner, the petitioner has shown no inclination to resolve the dispute and discharge the responsibilities towards the complainant wife and his children. The Court is satisfied that he is prolonging the case and has no intention to look after his wife and children.

In view of above facts and circumstances, this Court is convinced that the respondent has obtained the bail vide order dated 05.12.2019 by mis-stating the facts. As the bail granted by this Court has been obtained by making a wrong assertion, the order granting bail dated 05.12.2019 is recalled.

Petition is allowed.

(RAJESH BHARDWAJ)
JUDGE

13.10.2021
ps-I

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No