

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

CRM-M-4976-2022

Date of decision : 23.02.2022

Sushila Devi

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Neeraj Goel, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Narender Kaajla, Advocate
for respondents No.2 to 4.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition is for cancellation of bail granted by this Court on 10.01.2022 (Annexure P-3) vide which concession of anticipatory bail was granted to respondents No.2 to 4 in FIR No.269 dated 09.08.2021, under Sections 420, 494, 498-A, 506, 120-B of the Indian Penal Code and Section 138 of the NI Act, registered at Police Station Hansi Sadar.

In CRM-M-36194 of 2021, this Court made the interim order dated 14.09.2021 absolute vide order dated 10.01.2022 as the petitioners therein had duly joined the investigation and they were not required for investigation as per the submissions made by learned State counsel. It was also directed that the petitioner would pay litigation expenses of Rs.25,000/- to the complainant within ten days.

It is contended by counsel for the petitioner-complainant that respondent No.2-Kashmir, husband has not complied with the terms and conditions of order dated 10.01.2022 as neither he paid the litigation expenses nor he has settled the matter amicably by paying Rs.10,00,000/-.

Learned counsel for respondents No.2 to 4 has submitted that the submissions made by counsel for the petitioner are incorrect as before the Investigating Officer, the husband had paid Rs.20,000/- as the litigation expenses and as he was not having the complete amount, remaining Rs.5,000/- could not be paid at that time. However, he submits that the remaining amount would also be paid in the presence of the IO within a week. The talks for settlement are still going on.

Though both the parties are making their efforts for settling the dispute amicably, the Court would not interfere in the same and they are at liberty to settle the dispute amicably as per their convenience. However, learned State counsel has also affirmed the fact from the Investigating Officer that respondent No.2-husband has paid Rs.20,000/- litigation expenses to the complainant-wife in his presence.

After hearing counsel for the parties, this Court finds that there is no merit in the petition for recalling the order dated 10.01.2022. The law regarding cancellation of bail and for granting the bail are entirely different. There is nothing on record showing that petitioner has misused the concession of bail and hence, the petition filed for cancellation of the same is completely without any merit. The parties are at liberty to carry on with the negotiations as it suits to both of them.

Accordingly, petition stands dismissed. However, respondent No.2 would pay remaining amount of Rs.5,000/- to the petitioner-complainant within a week from today in the presence of Investigating Officer.

(RAJESH BHARDWAJ)
JUDGE

23.02.2022
m. sharma

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