

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(107)

CRM-M-6185-2022

Date of Decision: 14.2.2022

Minakshi

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Gagandeep Singh, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439(2) Cr.P.C praying for cancellation of anticipatory bail granted to respondent no.3 by this Court vide order dated 1.11.2021 (Annexure P-4) in case FIR No.75 dated 7.6.2021 registered under Sections 498-A, 406 IPC at Police Station, City Batala, Police District Batala, District Gurdaspur.

The respondent no.3 approached this Court praying for grant of anticipatory bail and this Court vide order dated 15.7.2021 granted interim protection to respondent no.3 and directed him to join investigation. Thereafter, respondent no.3 duly joined investigation and abide by the terms and conditions of the order. On 1.11.2021 after hearing the parties, this Court finally made the interim order dated 15.7.2021 absolute subject to the compliance of conditions as envisaged under Section 438(2) Cr.P.C.

Learned counsel for the petitioner submits that at the time of marriage the family of the complainant/petitioner herein gave ample dowry and at the time of joining investigation by respondent no.3, the Istridhan was not recovered by the concerned I.O. Counsel submits that in view of the same, order dated 15.7.2021 deserves to be cancelled.

I have heard learned counsel for the petitioner at length and have gone through the records made available carefully.

Having heard counsel for the petitioner, this Court is not inclined to accept the arguments advanced by counsel for the petitioner. It is an accepted proposition of law that the law governing grant of bail and that of the cancellation of same are entirely different. Once the bail is granted, recalling of the same is not a matter of routine. However, in case the petitioner is found to be misusing the concession of bail or violating the terms and conditions or the bail has been granted contrary to the law, the court can consider recalling of the same. The main thrust of counsel for petitioner is that recovery of dowry articles is not effected. In a number of judicial precedents including *Devender Kumar & another Vs. State of Haryana & others 2010(6) SCC 753*, the Hon'ble Supreme Court has held that non-recovery of dowry articles itself cannot be a ground for cancellation of the bail. There is nothing on record to suggest that respondent no.3 has misused the concession of bail or the same was granted contrary to the law.

In the facts and circumstances of the case, this Court finds no merit in the present petition and the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

14.2.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No