

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

CRM-M-10040-2022 (O&M)

Date of Decision: 9.3.2022

Ruchi Singla

..... Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Beant Singh Seemar, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

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 regular bail granted to respondent No.2 vide order dated 18.2.2022 by the Court of learned Additional Sessions Judge, Sangrur in a case FIR No.12 dated 19.1.2021 under Sections 406, 498-A IPC at Police Station City-II, Malerkotla, District Sangrur.

As per the factual matrix of the case, the FIR in question was lodged by the complainant Ruchi Singla, wherein, allegations against respondent No.2 and her in-laws regarding harassment and cruelty to the petitioner on account of demand of dowry were made. The investigation commenced and thereafter, the learned Additional Sessions Judge rejected the prayer of respondent No.2 for grant of anticipatory bail, however, this Court firstly granted interim bail to him and ultimately on 20.1.2022 dismissed the same. It has been submitted that now the regular bail granted by learned Additional Sessions Judge deserves to be recalled, as respondent

No.2 does not deserve the same in the facts and circumstances of the case. It has been submitted that anticipatory bail to respondent No.2 was declined by the learned Additional Sessions Judge, but this Court granted interim bail to him by referring the parties to the Mediation Centre. As the complainant-wife was seriously ill, the respondent-husband was directed to pay the medical expenses but he never paid the same and hence, his interim bail granted by this Court was declined and thereafter, the petitioner was arrested. It has been submitted that the respondent-husband has failed to effect any recovery of dowry articles and the Court had granted the bail only on basis of presentation of challan by the Investigating Agency. He submits that there are prima facie allegations of cruelty committed by the respondent-husband and hence, the bail granted to him is against the law settled.

Heard.

Needless to say that the petitioner before this Court is the wife of respondent No.2, who is praying for cancellation of bail granted to the respondent-husband. During the pendency of the anticipatory bail of respondent-No.2 before this court, the parties were referred to the Mediation Centre on the assurance given by the respondent-husband for paying the medical expenses. However, despite the opportunities given, he failed to comply with the same and hence, the anticipatory bail was declined. Thereafter, the respondent-husband was arrested on 7.2.2022. The respondent-husband had joined the investigation on earlier occasions itself, however, now the investigation already stands completed and the challan under Section 173 Cr.P.C. has been filed in the Court of competent jurisdiction. The contentions raised by learned counsel for the petitioner that

he has not got effected the recovery of the dowry articles in itself cannot be a ground for cancellation of the bail granted to him. It is held by the catena of judgments by this Court in various cases that while granting bail the Court is to strike a balance between the personal liberty and overall interest of the society. So far as the law regarding cancellation of bail is concerned, same is entirely different from that of the law pertaining to grant of bail. Learned counsel for the petitioner could not show any kind of misuse of the concession granted to the respondent-husband. After hearing the arguments of learned counsel for the petitioner and perusing the record, I find no infirmity in the view taken by the learned Additional Sessions Judge in granting bail to the respondent-husband. Hence, the petition being devoid of any merits, is hereby dismissed.

9.3.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No