

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

CRM-M-45740-2021

Date of decision : 12.09.2022

Narinder Kaur

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. C.L. Verma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Dinesh Mahajan, Advocate
for respondents No.2 and 3.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for cancellation of anticipatory bail granted to respondents No.2 and 3 vide order dated 26.08.2021 in GD No.28 dated 06.03.2021, under Sections 324, 148, 149 of IPC and later on added Section 326 IPC in FIR No.35 dated 05.03.2021, under Sections 323, 325, 354, 452, 295, 148, 149 of IPC, registered at Police Station Tanda, District Hoshiarpur.

It has been contended by counsel for the petitioner that after the grant of anticipatory bail, respondents No.2 and 3 misused the concession of anticipatory bail as another FIR No.230 dated 06.10.2021, under Sections 323, 325, 506, 34 of IPC and later on offence under Section 354 IPC added was registered at Police Station Tanda, District Hoshiarpur against them. He submits that earlier FIR No.35 dated 05.03.2021, under Sections 323, 325, 354, 452, 295, 148, 149 of IPC and the cross-case i.e. GD No.28 dated 06.03.2021 was registered under

Sections 324, 148, 149 of IPC and later on added Section 326 of IPC. He submits that both the parties have put forward their version and the learned trial Court is seized of the matter. He submits that as after grant of anticipatory bail another FIR is registered, the anticipatory bail granted to respondents No.2 and 3 deserves to be cancelled.

Learned counsel for respondents No.2 and 3 has submitted that the petitioner has approached this Court in a *mala fide* manner. He has submitted that the complainant and respondents No.2 and 3 both are pertaining to the same family as the petitioner is *chachi* of respondent No.3. He has submitted that the whole issue is the family dispute between these two families and the civil litigation is also pending. He has submitted that once respondent No.3 granted anticipatory bail, clandestinely, FIR No.230 dated 06.10.2021 was got registered against the respondents. He submits that after registration of the same, respondent No.2 was granted anticipatory bail by the Sessions Court and respondent No.3 was granted anticipatory bail by this Court. He has submitted that both the respondents have duly joined investigation and the case is under investigation at present. He submits that the allegations in the FIR have been levelled only to implicate the respondents in maximum number of cases.

Learned State counsel submits that in FIR No.35 and GD No.28 as per his information, investigation is complete. The respondents No.2 and 3 have joined investigation and challan is also presented. He has submitted that there was a cross-version in FIR No.230 dated 06.10.2021 vide DDR No.50 dated 09.10.2021. However, after investigation, the same was cancelled and the challan is yet to be presented in FIR No.230.

After hearing counsel for the parties and perusing the record, it is transpired that the *prima facie* dispute is among the family members. The investigation already stands completed. Fresh FIR is under investigation. As stated by the learned State counsel, after grant of anticipatory bail, respondents No.2 and 3 have duly joined investigation in the newly registered case and they are on interim bail in FIR No.230 which is under investigation. There is nothing on record to show that the respondents No.2 and 3 have violated any terms of anticipatory bail granted to them in the present case.

In view of the above, this Court does not find any merit in the present petition and the same is hereby dismissed.

12.09.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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