

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

101

(Through Video Conferencing)

CRM-M-52445-2021

Date of decision: 28.02.2022

Mahima Kakkar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Amrita Nagpal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking cancellation of anticipatory bail granted to respondents No.2 to 6 vide order dated 25.11.2021 passed by learned Additional Sessions Judge, Panipat in case FIR No.501 dated 15.08.2021 under Sections 323, 377, 498A and 506 IPC registered at Police Station City, Panipat.

Learned counsel for the petitioner inter alia contends that the Court below while passing the impugned order failed to appreciate that the petitioner was a young girl of 20 years, pursuing her chartered accountancy course in Gurugram when respondent No.2, who was her trainer, befriended her. Thereafter, he along with his mother i.e. respondent No.3 after convincing the petitioner to come to Mumbai solemnized his marriage with her on 14.03.2020 without as much as even informing the petitioner's parents. In December, 2020, after a great deal of persuasion, the father of the petitioner accepted her marriage with respondent No.2. Thereafter, when the petitioner along with her in-laws family including the private respondents visited her parental

house at Panipat, her parents gave sufficient gold and Rs.1 lakh as shagun to respondent No.2, however, it did not satisfy the private respondents who pressurized the petitioner to demand more gold from her parents and cash to buy a car. Due to the pressure exerted, the father of the petitioner yielded and he gave gold jewellery to respondents No.3, 5 and 6 along with another Rs.7 lakhs in cash. However, the private respondents still remained dissatisfied and continued to mentally and physically harass the petitioner after she returned to Mumbai. So much so, the petitioner was not even provided proper medical care when she suffered two fractures on her leg after she was allegedly pushed by respondent No.2 from her activa scooter. Learned counsel also submitted that the Court below gravely erred in observing that non-recovery of some dowry articles could not be a ground to deny the concession of anticipatory bail to the petitioner.

I have heard learned counsel for the petitioner and perused the relevant material placed on record.

Courts should be wary of cancelling bail which may have been granted except of course where some supervening circumstances are brought forth like the accused misusing his liberty by interfering with the course of investigation or threatening the witnesses or there being a likelihood of the accused absconding during trial. In the case in hand, the learned counsel for the petitioner has failed to bring to the notice of this Court any such supervening circumstances much less any violation of the conditions imposed upon the private respondents by the trial Court while granting them bail vide impugned order, therefore, the contention of the learned counsel that since all the dowry articles had

not been recovered, the concession of anticipatory bail granted to the private respondents deserved to be cancelled, too is devoid of any merit. It cannot be overemphasized that mere non-recovery of some disputed dowry articles cannot be a ground to decline bail or cancel it.

This Court, therefore, does not find any perversity much less illegality in the impugned order. Accordingly, the instant petition being devoid of any merit, is dismissed.

28.02.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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