

2023:PHHC:063170

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

248

CRM-M-9946-2023  
Date of Decision: 02.05.2023

Urmila Devi

Versus

..... Petitioner

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present Mr. Ranjit Singh Ghuman, Advocate for the petitioner/complainant.

Mr. Rajat Gautam, Addl. A.G. Haryana.

Ms. Mehak Sawhney, Advocate for accused/respondent No. 2.

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**ANOOP CHITKARA, J. (ORAL)**

| FIR No. | Dated      | Police Station               | Sections            |
|---------|------------|------------------------------|---------------------|
| 485     | 13.08.2016 | City Palwal, District Palwal | 420, 406, 120-B IPC |

The present petition has been filed under Section 439 (2) Cr.P.C. for cancellation/setting aside of regular bail granted to respondent No. 2 vide order dated 21.01.2023 by the Court of learned Additional Sessions Judge, Palwal in the above captioned FIR.

2. Reply dated 30.04.2023 filed by counsel for respondent No.2 today in the Court is taken on record. Counsel for respondent No. 2 submits that previous order was complied with and she further submits that matter relates to the year 2016 and bail should not be cancelled, she would have no objection whatsoever in case any conditions are imposed upon him.
3. Complainant's son is present along with his counsel and submits that there is a possibility of threat to their lives and seeks cancellation of the bail.

4.                Given the candid statement of respondent No. 2 about further conditions, the present petition is disposed of. It is clarified that in the bail order, the following conditions shall stand inserted.

- (i)        Given the nature of allegations and the other circumstances peculiar to this case, respondent No. 2 shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within ten days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, respondent No. 2 shall be entitled to renew and take it back in case of acquittal in this case.
- (ii)       In case, the complainant files any other civil suit or other civil proceedings where the question of limitation is a relevant fact or it goes into operation, respondent No. 2 undertakes not to take up the plea of limitation in any Court or in any Forum.

The complainant is at liberty to seek enforcement of his rights under Annexure P-3 based on which, this Court had granted bail to the accused and the accused shall not raise question of limitation while seeking such enforcement by Court. It is clarified that the observations made by this Court shall not adversely affect the civil suit which is already filed by the petitioner and is pending.

(ANOOP CHITKARA)  
JUDGE

02.05.2023  
Jyoti-II

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |