

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

CRM-M-14354-2022

Date of Decision:12.01.2023

RANI

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. D.S.Gandhi, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 (2) read with Section 482 of Code of Criminal Code, 1973, the petitioner is seeking cancellation of anticipatory bail in FIR No.04 dated 29.01.2022 (Annexure P-3), registered at Police Station Women Cell, District Amritsar, under Sections 406 and 498A of IPC granted by ASJ, Amritsar.

Learned counsel for the petitioner *inter alia* contends that learned ASJ, Amritsar vide order dated 03.03.2022 granted concession of interim bail and thereafter vide order dated 23.03.2022 made interim order absolute. There are a number of evidences disclosing commission of offence punishable under Section 406 and 498A of IPC. The respondent No.2 did not cooperate with the Investigating Officer which is evident from the fact that recovery of dowry articles could not be effected.

I have heard counsel for the parties and perused the record.

The respondent has undisputedly joined the investigation and only ground seeking cancellation of bail is that recovery of alleged dowry articles has not been effected. The parameters of granting and cancellation of bail are totally different. Bail cannot be cancelled unless and until there is evidence of misuse of bail in the form of commission of similar or identical offence, tampering or destruction of evidences, threatening or winning over of witnesses etc. Bail already granted cannot be cancelled in a mechanical manner. In dowry cases, Hon'ble Supreme Court in *Arnesh Kumar V. State of Bihar (2014) 8 SCC 273* and *Social Action Reform Forum Adhikar and Anr. Vs. Union of India and others (2018) 10 SCC 443* has clearly held that application for bail cannot be denied on the ground of recovery of disputed dowry articles.

The State is not seeking cancellation of bail and petitioner has not brought on record any evidence disclosing misuse of concession of bail granted by learned ASJ, Amritsar. Therefore, there is no reason to cancel the bail already granted by learned ASJ, Amritsar. Being bereft of merit, the petition is dismissed.

(JAGMOHAN BANSAL)

JUDGE

12.01.2023

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