

Neutral citation No.:2023:PHHC:065787
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-21576-2023
Date of Decision: 08.05.2023

Gurvinder Kaur Duhra

....Petitioner
Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

Mr. Manjinder Singh Saini, Advocate
for respondents No.2 to 4.

ANOOP CHITKARA, J.

The complainant (petitioner herein) has come up before this Court seeking cancellation of bail granted to the accused/respondents No.2 to 4 vide orders dated 20/28.03.2023, 02/20.03.2023 & 13.04.2023 respectively, passed by the learned Additional Sessions Judge, Jalandhar, in case FIR No.18 dated 02.02.2023, registered under Sections 452, 427, 506, 148, 149 IPC at Police Station Adampur, District Jalandhar (Punjab).

2. I have heard counsel for the petitioner who submits that the bail should be cancelled because the petitioner has two minor daughters and the accused persons are troubling them by issuing threats to compromise the matter.

3. Faced with this, counsel for the accused on realizing that this Court is likely to cancel the bail, states that the bail should not be cancelled and he would have no objection if some stringent conditions are added in the above mentioned bail orders.

4. Given above, in the orders dated 28.03.2023, 20.03.2023 and 13.04.2023, vide which respondents No.2 to 4 respectively were granted bail, the following conditions are added:-

- (i) Given the nature of the allegations and the other circumstances peculiar to this case, by 20.05.2023, the accused shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.
- (ii) Till the completion of the trial, the accused shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home.
- (iii) Given the nature of the allegations and the other circumstances peculiar to this case, the accused shall not enter the property, workplace, and the residence of the victim till the recording of the statements of all non-official and informal witnesses in the trial. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

5. It is clarified that in case, the accused fail to comply with the newly added conditions, it shall be permissible for the complainant to file a fresh application for cancellation of bail and on this ground alone, the bail shall be cancelled.
6. Petition is disposed of in the terms mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.05.2023
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no