

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

1. CRM-M-24270-2019
Date of decision: 24.07.2023

Anjali SinglaPetitioner

Versus

State of Haryana and othersRespondents

2. CRM-M-20085-2019

Anjali SinglaPetitioner

Versus

State of Haryana and anotherRespondents

3. CRM-M-23408-2019

Anjali SinglaPetitioner

Versus

State of Haryana and othersRespondents

4. CRM-M-24347-2019

Anjali SinglaPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana
assisted by ASI Navneet.

Mr. Vivek Sheoran, Advocate
for private respondents.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in CRM-M-24270-2019, CRM-M-20085-
2019 and CRM-M-23408-2019 is seeking cancellation of anticipatory

bail granted to respondents accused in FIR No.146 dated 23.04.2017 under Sections 379/411/34/120 B/212 of the IPC registered at Police Station Kundli, District Sonapat and FIR No.582 dated 13.10.2018 under Section 25 of the Arms Act, 1959 and Sections 34/341/427/506 of the IPC registered at Police Station Sadar, District Sonapat and in CRM-M-24347-2019 is seeking cancellation of regular bail granted to respondents-accused in the abovementioned FIR(s).

2. The petitions are being disposed of together as they arise out of the same FIRs. For the sake of convenience, the facts are being taken from CRM-M-24270-2019.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been a victim of a conspiracy hatched by all the respondents accused who stand charge sheeted in FIR No.146 dated 23.04.2017 under Sections 379, 411 and 120 B of the IPC for having committed a theft of 15 kgs and 350 grams of gold from car bearing No.DL-4CP-8672, belonging to the petitioner and her family. During the pendency of the aforesaid FIR No.146 dated 23.04.2017, another FIR No.582 dated 13.10.2018 was registered under Section 25 of the Arms Act, 1959 and Sections 34/341/427/506 of the IPC at Police Station Sadar, District Sonapat against the wife of accused Ritesh Chadha and accused Amit Thukral and Buta Singh (Annexure P-9). Wife of accused Ritesh Chadha then approached the petitioner for a settlement of all their disputes, and on being assured by the wife of accused Ritesh Chadha namely Bhawna Chadha, that the petitioner would be duly compensated for the losses suffered, it was agreed to withdraw both the abovementioned FIRs. A memorandum of

understanding was then prepared and entered into between the parties on 10.01.2019, however, the petitioner was oblivious to the fact that a fraud was being played by all the accused upon her with the sole motive to cheat her. Resultantly, on the basis of the settlement (Annexure P-10) effected between the parties, the respondents accused were granted the concession of bail vide orders dated 31.01.2019 (Annexure P-1) in the two cases which were registered against them. However, after the respondents accused had been granted the concession of anticipatory bail, instead of adhering to the terms of the settlement arrived at between the parties, they started extending threats of dire consequences to the petitioner and her ex-husband Amit Singla. Furthermore, on 03.02.2019, accused Ritesh Chadha along with his wife Bhawna Chadha and son Prince Chandha accompanied by two other persons trespassed into the house of the petitioner which resulted in a heated verbal exchange between them. Both the petitioner and her ex-husband Amit Singla were thrown out of their rented accommodation. Police was called and FIR No.48 dated 14.02.2019 was registered against the respondents accused at Police Station Aman Vihar under Section 445 of the IPC. Accused respondent Bhawna Chadha, after being released on interim bail, started giving false and frivolous complaints against the petitioner and her ex-husband which led to the registration of FIR No.47 dated 14.02.2019 against the petitioner's ex-husband under Sections 376/506 of the IPC at Police Station Aman Vihar, New Delhi.

4. Learned counsel has vehemently prayed that since the accused respondents had failed to adhere to the settlement arrived at between the parties and further blatantly misused their liberty, the

concession of bail granted to them be cancelled.

5. Per contra, learned counsel appearing for respondents No.2 to 4 accused has vehemently controverted the submissions made by the counsel opposite. While drawing the attention of this Court to the orders vide which the respondents accused were granted the concession of anticipatory bail it has been submitted that a perusal of all those orders clearly reveal that the respondents accused in compliance of the orders of this Court dated 11.01.2019 had joined investigation and cooperated with the investigating agency. No doubt, it had also been observed in those orders that some settlement had been arrived at between the parties, however, while passing the order making the bail of the respondents accused absolute, this Court had nowhere observed that it was because of the compromise effected between the parties that the respondents accused were being extended the concession of anticipatory bail. He submits that a bare perusal of order granting regular bail to accused respondent Ritesh (Annexure P-1 in CRM-M-24347-2019) would reveal that the concession of bail was extended to him taking into consideration the facts and circumstances of the case and his custody period. Learned counsel has submitted that it was nowhere observed in the above orders that the respondents accused were being granted the concession of bail subject to fulfilment of the terms and conditions of the settlement deed. Learned counsel has instead argued that the settlement purportedly effected between the parties was a forged document and a recovery suit bearing No.D5583 of 2019 for recovery of an amount of ₹1,20,00,000/- had already been instituted against the petitioner. It was only when summons in the

aforementioned recovery suit were effected upon the respondents accused that they learnt about the fraud which had been perpetuated upon them. It has further been contended that the petitioner had not approached this Court with clean hands and had intentionally concealed the pendency of the abovementioned recovery suit instituted by her against the respondents accused. Learned counsel has submitted that it was a matter of record that FIR No.47 under Sections 376/506 of the IPC dated 14.02.2019 (Annexure P-15) had been lodged against the husband of the petitioner at the instance of one of the respondents accused. Hence, the instant petition had been filed only to exert pressure on the family of the respondents accused to withdraw the rape case which stands registered against the petitioner's husband. It has further been submitted that after the respondents accused were granted the concession of anticipatory bail by this Court 04 years back, and it was a matter of record that they had never misused the said concession. Furthermore, even FIR No.48 dated 14.02.2019 under Section 445 of the IPC was a false case as it had been instituted after the registration of the rape case against the husband of the petitioner, for reasons but obvious.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. This Court does not find any force in the submissions made by the learned counsel for the petitioner. The order (Annexure P-1) granting the concession of anticipatory bail to the respondents accused and Annexure P-1 in CRM-M-24347-2019 granting regular bail to one of the respondents accused does not reveal that the bail granted to the

respondents accused was subject to the parties adhering to the terms and conditions of the settlement arrived at between them. Rather, a plain reading of the order dated 31.01.2019, shows that the respondents accused had been granted the concession of bail only on account of the fact that they had complied with the orders of this Court by joining investigation and cooperating with the investigating agency, and still further their custodial interrogation was not required by the investigating agency.

8. It needs to be reiterated that once the concession of bail is granted, the Courts should act with a great deal of circumspection while cancelling the said concession since it interferes with the liberty of an individual.

9. Adverting to the case in hand, the learned counsel for the petitioner has not been able to bring to the notice of this Court any supervening event(s) from which it could be discerned that the accused had attempted to tamper with evidence or influence the witnesses, or had misused his liberty by breaching the conditions imposed on him/her while being enlarged on bail, or there was a likelihood of his/her fleeing from the country or evading proceedings during trial.

10. As a sequel, the instant petitions being devoid of any merit stand dismissed.

24.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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