

In the High Court of Punjab and Haryana at Chandigarh

101-6

CRM-M-29341-2022

Date of Decision: 10.03.2023

Swati Gupta

---Petitioner

versus

State of Punjab and another

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Namit Gautam, Advocate
for the petitioner
Mr. Shiva Khurmi, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through instant petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C., is seeking cancellation of anticipatory bail granted to respondent No.2 i.e. Ashwani Gupta in FIR No. 15 dated 27.01.2022, under Sections 498-A and 406 IPC, registered at Police Station, City Khanna (Annexure P-1).

The brief facts of the case are that on the complaint of petitioner, an FIR came to be registered against husband of the complainant as well parents-in-law. Respondent No. 2 is father-in-law of the complainant who moved an application seeking anticipatory bail before Sessions Court which came up for consideration before Additional Sessions Judge, Ludhiana. Respondent No. 2 joined investigation and there was no need of custodial interrogation, accordingly, concession of anticipatory bail

vide order dated 08.03.2022 was granted to respondent No. 2.

Learned counsel for the petitioner inter alia contends that Sessions Court while granting concession of anticipatory bail has not considered the factum that huge recovery of dowry articles is yet to be effected and there are allegations against father-in-law of the complainant with respect to dowry.

On being asked, learned State counsel, on instructions from ASI Mukhtiar Singh, submits that respondent No. 2 has joined investigation and no further custodial interrogation is required. He further confirmed that respondent No. 2 has not misused concession of bail.

The parameters prescribed for grant of bail and cancellation of bail are altogether different. The bail once granted cannot be mechanically cancelled. The prosecution or any other person seeking cancellation of bail is required to bring on record additional facts which warrant cancellation of bail. There is nothing on record in the present case to show that Additional Sessions Judge, Ludhiana has mechanically granted bail or there is no application of mind. There is nothing on record indicating that respondent No. 2 has misused concession of bail granted by Additional Sessions Judge, Ludhiana. No ground is made out to interfere in the well reasoned order passed by Additional Sessions Judge, Ludhiana.

Dismissed.

10.03.2023

paramjit

(JAGMOHAN BANSAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No