

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

CRM-M No.35866 of 2022 (O&M)

Date of decision: 21st February, 2023

Preeti Gupta

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Rau P.S. Girwar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner in the instant petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. is seeking cancellation of anticipatory bail, which was granted to respondent No.2 vide order dated 25.08.2021 (Annexure P-4) in case bearing FIR No.121 dated 15.10.2019 under Sections 312, 406, 498-A IPC pertaining to Police Station Tappa Mandi, District Barnala.

Learned counsel submits that respondent No.2 while being extended the concession of anticipatory bail by this Court vide order (Annexure P-4) had undertaken to return back all the dowry articles, however not even a single dowry article had been returned to the petitioner. Hence, the concession of anticipatory bail granted to respondent No.2 deserves to be cancelled on account of violation of the order (Annexure P-4).

I have heard learned counsel and perused the order dated 25.08.2021 (Annexure P-4).

It would be pertinent to reproduce relevant part of the above said order (Annexure P-4) vide which respondent No.2 had been granted the concession of anticipatory bail:-

“Learned counsel for the petitioner states that pursuant to order dated 04.02.2020, passed by this Court, the petitioner has joined the investigation. This fact is not disputed by the counsel for the State as well.

Learned State counsel on instructions from ASI Jasbir Singh, states that the petitioner is no longer required for further interrogation.

Learned counsel for the complainant submits that certain dowry articles have not yet been returned to the complainant. Learned counsel for the petitioner has, however, disputed the said fact and submitted that whatever articles were in the possession of the petitioner stand returned and there is a recovery memo also in support of the same.

Learned State counsel does not dispute the submissions made by the learned counsel for the petitioner in the said regard.”

Learned counsel for the petitioner has failed to bring to the notice of this Court any condition which had been imposed upon respondent No.2, and which as per the learned counsel, has been violated. As per the instructions received by learned State counsel on 25.08.2021, respondent No.2 had been extended the concession of anticipatory bail on account of the fact that she had joined investigation and was not required for further interrogation. No doubt, learned counsel for the complainant had stated that all the dowry articles had

not been returned by the petitioner therein i.e. respondent No.2, but it had been controverted and categorically submitted by the learned counsel for respondent No.2 that whatever articles were in her possession, stood returned.

Thus, it is evident that firstly no conditions were imposed upon respondent No.2 while being extended the concession of bail by this Court and secondly, learned counsel has not been able to bring to the notice of this Court any other circumstance, from which it could be even remotely discerned that after being extended the concession of bail on 25.08.2021, respondent No.2 had misused the said concession by extending threats to the petitioner/complainant or had tried to tamper with evidence or even influence the witnesses in her favour.

It also needs to be reiterated here that mere non-recovery of a few articles of dowry cannot be a ground to cancel the concession of anticipatory bail.

The instant petition being devoid of any merit stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 21, 2023

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No