

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-46354-2023 (O&M)

Date of decision: 15.09.2023

Bharti Verma

...Petitioner(s)

Vs.

State of Punjab & Another

...Respondent(s)

CORAM:

HON'BLE MS. JUSTICE NIDHI GUPTA

Present: -

Mr. Satyendra Chauhan, Advocate for
Mr. P.S. Khurana, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present petition under Section 482 Cr.P.C. is filed seeking quashing/setting aside of order dated 11.07.2023 passed by learned Additional Sessions Judge, Ludhiana (Annexure P1), whereby anticipatory bail has been granted to respondent No.2 in case FIR No.121 dated 27.06.2023 under Sections 406 and 498-A IPC registered at Police Station Salem Tabri, Ludhiana.

2. Learned counsel for the petitioner-wife inter alia submits that she was married to respondent No.2 on 19.04.2018. No child was born out of this wedlock. It is submitted that the petitioner has made very serious and categoric allegations against respondent No.2 in the FIR. It is submitted that the learned Additional Sessions Judge, Ludhiana was in patent error in granting anticipatory bail to respondent No.2 vide the impugned order as all the dowry articles and *istridhan* of the petitioner is still in the custody of respondent No.2 and his family. It is further submitted that compromise (Annexure P2) clearly establishes that the petitioner came

from the matrimonial home in her three clothes. Thus, *Istridhan* of the petitioner has also not been recovered. It is further contended that the Investigating Officer has made a wrong statement that respondent No.2 has cooperated with the investigation. It is submitted that the learned Court below without examining the veracity and truthfulness of the statement of Investigating Officer has blindly relied upon the same and granted anticipatory bail to respondent No.2 without following principles of law and hence, the impugned order is liable to be quashed/set aside.

3. I have heard learned counsel for the petitioner.

4. Perusal of record of the case reveals that the petitioner had entered into a compromise with respondent No.2 on 29.11.2022 (Annexure P2) and the same reads as follows:-

“First Party, Bharti D/o Rajinder Verma, resident of St. No.5, H.No.10, Mohalla New Ashok Nagar, PS Salem Tabri, Ludhiana. Second Party Atul Kumar s/o Amarjit resident of H.No.6488, Str. 14, Mohalla New Shimlapuri, PS Daba Ludhiana, Both the parties have mutually agreed that Bharti is going with her father Rajinder Verma. She is carrying her degrees with herself. Both the parties don’t have any objection regarding the same. Above mentioned husband and wife will decide it later on as whether they want to live together or not. They can approach the Hon’ble Court if they don’t want to live together.”

5. From the above document, it is evident that the petitioner had left the matrimonial home on 29.11.2022 itself. Present FIR was filed on 27.06.2023. It has also come on record that respondent No.2 has filed a petition under Section 9 of Hindu Marriage Act, however it has been stated that the petitioner does not want to reside with respondent

No.2. As regards allegations made by the petitioner in the FIR, the same are subject matter of trial and the veracity of the same is to be determined during trial. Record also shows that the impugned order was passed in the presence of the petitioner, who had vehemently opposed the grant of anticipatory bail to respondent No.2. Furthermore, it is not the case of the petitioner that respondent No.2 has misused the concession of anticipatory bail. Hon'ble Supreme Court in case of **"MS. P. Vs. The State of Madhya Pradesh & Another"** Criminal Appeal No.740 of 2022, has held that bail has to be cancelled or set aside only when the concession of bail is misused by the accused. That is not so in the present case. Learned trial Court has categorically noted in the impugned order that the petitioner has joined investigation and is cooperating with Investigating Agency. Accordingly, I find no ground is made out to set aside the impugned order. Present petition accordingly stands **dismissed**.

6. Pending application(s) if any also stand(s) disposed of.

15.09.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No