

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

104

**Criminal Misc. No. M-51995 of 2023**

**Date of decision :-13.10.2023**

**Veerpal Kaur**

**.....Petitioner**

**Versus**

**State of Punjab and another**

**.....Respondents**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Lakhwinder Singh Sidhu, Advocate  
for the petitioner.

**NIDHI GUPTA J. (Oral)**

Prayer in this petition filed by the petitioner/wife under Section 439(2) Cr.P.C. is for cancellation of anticipatory bail granted to respondent No.2/husband by learned Additional Sessions Judge, Mansa vide order dated 21.8.2023 (Annexure P-5) in case FIR No.69 dated 20.7.2023, under Sections 498-A, 406, 506, 34 IPC, registered at Police Station Jhunir, District Mansa.

The sole argument raised on behalf of petitioner seeking cancellation of anticipatory bail to respondent No.2 is that recovery of dowry articles is yet to be effected from respondent No.2. In this regard, learned counsel for the petitioner refers to Annexure P-4 i.e. the statement of the Investigating Officer/ASI Hardeep Singh, dated 19.8.2023, wherein the said Investigating Officer has stated that “the recovery of dowry articles is yet to be effected”.

On advance notice, Mr. Shubham Kaushik, AAG, Punjab appears on behalf of respondent-State. He submits that the bail can be cancelled only on two grounds, (a) violation of conditions of bail; (b) that order granting anticipatory bail itself is perverse. He submits that in the present case, neither respondent No.2 has violated the conditions of the bail nor the order granting anticipatory bail to him is perverse.

I have heard learned counsel for the parties and gone through the case file carefully.

I find merit in the arguments advanced on behalf of the respondent-State. It is not the case of the petitioner that the respondent No.2 has violated the conditions of bail and/or that the order dated 21.8.2023 (Annexure P-5) suffers from some perversity. Cancellation of bail is sought on the singular ground that recovery is yet to be effected from respondent No.2. However, Hon'ble Supreme Court in *Bimla Tiwari vs. State of Bihar and others*, passed in *Special Leave Petition (Crl.) Nos.834-835 of 2023*, on 16.01.2023 has held that matter of grant of bail, is not akin to money recovery proceedings.

In view of the above, no ground is made out justifying the cancellation of the anticipatory bail granted to respondent No.2. Present petition, therefore, stands dismissed.

October 13, 2023  
Vijay Asija

( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes / No  
Whether Reportable Yes / No