

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

204

CRM-M-7933-2023

Date of Decision: January 23, 2024

Santosh Kumari and another**.....Petitioner(s)****Vs.****State of Punjab and another****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Om Pal Sharma, Advocate for the petitioner(s).

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Harmeet Singh, Advocate for respondent No.2.

SUDEEPTI SHARMA J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioners in case FIR No.0015, dated 07.01.2023 under Sections 406, 498-A IPC, registered at Police Station Dera Bassi, SAS Nagar (Mohali).

2. Vide order dated 15.02.2023, both the petitioners were granted interim bail by a Co-ordinate Bench of this Court subject to compliance of conditions as envisaged under Section 438 (2) Cr.P.C.

3. Learned counsel for the petitioners submits that during the pendency of the present petition, petitioner No.1-Santosh Kumari, has expired.

4. Learned counsel for respondent/complainant submits that when the respondent-wife was in her office, the petitioner-husband went there and attacked upon her. Thereafter, *Calendra* has been issued on 13.09.2023.

MLR has also been placed on record showing abrasion on scalp on occipital region 0.5 CM X 0.5 CM with mild Swelling.

5. Learned State counsel has supported the contention made by learned counsel for respondent No.2/complainant. She further submits that dowry articles are yet to be recovered and the petitioner No.2 after granting relief of anticipatory bail, did not abide by the conditions as mentioned in Section 438(2) Cr.P.C.

6. I have heard learned counsel for the parties and also gone through the record available before this Court.

7. In view of the submissions made by learned State counsel as well as learned counsel for respondent No.2/complainant, the petitioner has not complied with the order whereby he was granted relief of interim bail, as such he is not entitled to concession of interim relief granted to him vide order dated 15.02.2023, which in the present circumstances is to be recalled. Hence, the present petition is dismissed.

8. All pending applications, if any, stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

January 23, 2024
sonia arora

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