



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

CRM-M-13956-2024
Date of decision: 03.09.2024

Neetu Rani

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Sidhu, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Hitesh Ghai, Advocate for respondent No.2.

HARPREET SINGH BRAR, J.

1. The present petition is preferred under Section 438(2) Cr.P.C. for cancellation of bail of respondent No.2-Kiran Bala in FIR No. 068 dated 02.07.2023 under Sections 406 and 498-A of IPC registered at Police Station Payal, Police District Khanna, District Ludhiana.

2. The facts succinctly put are that the marriage between the petitioner-complainant and one Ravi Sharma, who is the son of respondent no.2, was solemnised on 06.12.2019 in accordance with Hindu rites and rituals. Out of this wedlock, a female child was born. However, matrimonial dispute ensued between the couple which resulted in the registration of the FIR (supra). Subsequently, respondent No.2, mother-in-law of the petitioner, filed for anticipatory bail before the learned Court below. Observing that the custodial interrogation of respondent No.2 is not required, the learned Additional Sessions Judge, Ludhiana, allowed her bail application vide order dated 17.07.2023 (Annexure P-2). Aggrieved by the same, the petitioner has approached this Court by filing the present petition.



CRM-M-13956-2024

-2-

3. Learned counsel for the petitioner *inter alia* contends that respondent No.2 was granted bail by the learned Court below on the basis of the statement suffered by the Investigating Officer- ASI Balbir Singh, wherein he stated that her custodial interrogation was not required. However, the Investigating Officer made the said statement in spite of the fact that the dowry articles still remained to be recovered. Moreover, respondent No.2 has been categorically named in the FIR(supra) and a specific role has been attributed to her.

4. *Per contra* learned counsel for respondent No.2 submits that respondent No.2 has not engaged in any conduct that would warrant cancellation of the bail granted to her and the present petition is filed merely out of private spite in order to wreck vengeance upon her.

5. Having heard learned counsel for the parties and after perusing the record of the case, it appears that the petitioner is seeking cancellation of bail granted to respondent No.2 merely on the ground that she was granted bail when recovery of alleged dowry articles was yet to be effected. Further, Ravi Sharma, husband of the petitioner has already been granted the concession of anticipatory bail by this Court vide order dated 18.05.2024 passed in CRM-M-38850-2023.

6. The parameters for denying bail and cancelling the same are quite varied. Denial of bail is a matter of discretion and can be decided without inspecting the details of the matter. If the Court is of the opinion that the accused is likely to misuse the liberty granted to him, it can deny bail simply on the basis of gravity of the offence. However, cancellation of bail would amount to



CRM-M-13956-2024

-3-

curtailment of the liberty already granted to an undertrial accused, which cannot be embarked upon in a cursory fashion. Only if a grave error is highlighted in the order granted bail or it is evident that the accused is misusing the concession, can the Court consider cancellation.

7. The scope and power of the judicial review of an order granting bail has been illustrated by the Hon'ble Supreme Court in ***Dolat Ram and others vs. State of Haryana (1995) 1 SCC 349***, as follows:-

*“(i) interference or attempt to interfere with the due course of administration of justice;
(ii) evasion or attempt to evade the due course of justice;
(iii) abuse of the concession granted to the accused in any manner;
(iv) possibility of the accused absconding;
(v) likelihood of/actual misuse of bail;
(vi) likelihood of the accused tampering with the evidence or threatening witnesses.”*

8. A three Judge Bench of the Hon'ble Supreme Court in ***Deepak Yadav vs. State of Uttar Pradesh and another (2022) 8 SCC 559***, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

- 33.2. *Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.*
- 33.3. *Where the past criminal record and conduct of the accused is completely ignored while granting bail.*
- 33.4. *Where bail has been granted on untenable grounds.*
- 33.5. *Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.*
- 33.6. *Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.*
- 33.7. *When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”*

9. In view of the above discussion, this Court is of the considered view that the learned counsel for the petitioner has been unable to indicate any perversity in the impugned order or demonstrate any conduct on part of respondent No.2 that would warrant interference by this Court. Cancellation of her bail for unfounded suspicions of the petitioner would not meet the objective standard of reason and justice.
10. Accordingly, the present petition stands dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)

JUDGE

03.09.2024

manisha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No