



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

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CRM-M-24056-2024**Date of decision: May 14, 2024**

UPMA GHAI

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of anticipatory bail to the respondent No.2 in case FIR No.29 dated 08.02.2024 (Annexure P-1) under Sections 419, 420, 465, 467, 468, 471 of the Indian Penal Code, 1860, registered at Police Station Tripuri, District Patiala granted by the learned Additional Sessions Judge, Patiala vide order dated 20.03.2024(Annexure P-2).

2. Learned counsel for the petitioner submits that the learned Additional Sessions Judge, Patiala gravely erred in granting the concession of anticipatory bail to respondent No.2-accused, overlooking the grave and specific accusations outlined against her in the FIR in question, which has been annexed as Annexure P-1; respondent No.2-accused is none other than her real sister and she forged their late father's Will. Subsequently, their mother executed the forged Will in favour of respondent No.2-accused depriving the petitioner of her rightful share. Additionally, it has been submitted that respondent No.2-accused also operated a joint bank locker and made various withdrawals of different amount of money by filing vouchers under the



signatures of the petitioner, whereas the petitioner had never signed on any of those documents. A civil litigation was also pending between the parties.

3. Learned counsel has argued that given the aforementioned circumstances, the anticipatory bail granted to respondent No.2-accused deserved to be cancelled, moreso since the original Will along with other valuable items such as the petitioner's cheque books, Fixed Deposit Receipts (FDRs), jewellery etc. which were misappropriated by respondent No.2-accused while operating the joint bank locker, had not been returned to the investigating agency when respondent No.2-accused was granted the concession of interim bail by the learned trial Court and directed to join and cooperate with the investigation.

4. I have heard learned counsel for the petitioner and perused the relevant material placed on record.

5. Before proceeding further, it would be most pertinent to emphasize that cancelling bail should be done with extreme caution as it greatly impacts the freedom of an individual. It is important to uphold the right to personal liberty, which is a fundamental constitutional right. Hence, bail once granted to an accused should not be revoked arbitrarily or without any cogent reasons. Bail once granted can only be cancelled if the complainant is able to bring to the notice of the Court of any significant new developments or if the accused has breached the conditions set at the time of the bail.

6. In the present case, a pointed query was put to the learned counsel to bring to the notice of this Court any such new development which may have taken place after respondent No.2-accused was granted the concession of bail or to bring to the notice of this Court any breach of conditions set at the time,



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when the accused was granted bail. However, learned counsel has not been able to point out any such breach, much less any material change in circumstances or any significant development after respondent No.2-accused was granted the concession of bail. Furthermore, a perusal of the impugned order does not reflect any arbitrary exercise of discretion by the Court. It needs to also asserted that pre-trial detention is not meant to punish but to ensure legal compliance. Bail is just a way to ensure that the accused attends the trial regularly.

7. As a sequel to the above, no ground is made out to accept the prayer of the petitioner for cancellation of anticipatory bail granted to respondent No.2-accused.

8. Accordingly, the petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 14, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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