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

CRM-M-32806-2023

Date of Decision:- 10.05.2024

ANURADHA @ ANU MAHNA

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Umesh Kaushik, Advocate for petitioner.

Mr. Deepak Grewal, DAG, Haryana.

None for respondent Nos.4 and 5.

AMARJOT BHATTI, J. (Oral)

1. Petitioner filed 2nd petition under Section 439 (2) Cr.P.C. for cancellation of anticipatory bail granted in favour of Rohit – respondent No.4 and Raghav – respondent No.5 vide order dated 01.05.2023 (Annexure P-5) by this Court in FIR No.0570 dated 21.11.2021 (Annexure P-1) under Sections 323, 354-B, 406, 498-A and 506 IPC, Police Station Sadar Thanesar, District Kurukshetra.

2. Learned counsel for petitioner argued that FIR was registered on the statement of complainant against her husband Naresh and his sons respondent Nos.4 and 5. The bail application bearing CRM-M-3254-2022 filed by Naresh Kumar was dismissed as withdrawn vide order dated 25.04.2023 (Annexure P-4) whereas Rohit and Raghav were granted anticipatory bail vide order dated 21.05.2023. It is pointed out that



respondent Nos.4 & 5 misrepresented the facts. No proper investigation was carried out by police. They furnished wrong addresses and did not join the investigation. In-fact, police connived with respondent Nos.4 to 6. It was prayed that anticipatory bail granted in favour of respondent Nos.4 and 5 may kindly be cancelled.

3. Notice of petition was given to the State as well as to respondent Nos.4 to 6. Learned counsel representing the State filed status report taking stand that after grant of anticipatory bail Rohit and Raghav sons of Naresh Kumar joined the investigation on 16.03.2023 and thereafter, they were released by police. After completion of investigation, challan was prepared against Kamal Rani @ Bimla Rani and others including Rohit and Raghav. Despite issuance of notices to respondent Nos.4 to 6, they did not appear before the police for filing of challan against them. It was submitted that bail granted in favour of respondents may kindly be cancelled. Today, learned counsel representing State informs as per instructions of PSI Vinay Kumar that challan has been presented in the Court in the absence of Rohit and Raghav.

4. On the other hand, learned counsel representing respondent Nos.4 and 5 did not appear nor he furnished any reply or information regarding whereabouts of respondent Nos.4 and 5, who did not join the Investigating Officer for the presentation of challan in the Court.

5. I have considered the aforesaid factual position. It is matter of record that Rohit and Raghav were granted anticipatory bail in CRM-M-3254-2022 vide order dated 01.05.2023 subject to the condition enshrined under Section 438 (2) Cr.P.C. Respondent Nos.4 and 5 were required to



join the investigation as and when required. Status report filed by learned counsel representing the State shows that despite notices, respondent Nos.4 and 5 did not appear and ultimately challan was presented in the Court in their absence. Even during the pendency of present case, respondent Nos.4 and 5 did not show any inclination to join the proceedings with Investigating Officer for presentation of challan. Therefore, respondent Nos.4 and 5 misused the concession of bail granted in their favour subsequent to their release on anticipatory bail.

6. Considering the aforesaid facts, I find merits in the petition filed by petitioner and the same is allowed and accordingly the anticipatory bail granted in favour of Rohit and Raghav stand cancelled. Copy of this order be sent to trial Court to proceed with as per law.

7. Pending application (s), if any, also stands disposed of.

10.05.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No