

101 + 202

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

CRM-M-60408-2023 (O&M)

Date of Decision:- 26.04.2024

SIMRAN PANESAR

...Petitioner

Versus

STATE OF PUNJAB & OTHERS

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

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

Mr. H.S. Deol, Sr. DAG, Punjab.

Ms. Arti Kaur, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)**CRM-11328-2024**

This is an application under Section 482 Cr.P.C. for placing on record report (s) dated 22.01.2024 and 15.12.2023 (Annexure P-10 & P-11).

For the reasons mentioned therein, application is allowed and the accompanied documents are taken on record, subject to just exceptions.

CRM-M-60408-2023

1. Petitioner has filed present petition under Section 439 (2) Cr.P.C. for cancellation of bail granted in favour of Lovneet Singh – respondent No.2 vide order dated 27.03.2023 (Annexure P-2) in FIR No.0131 dated 10.11.2022 under Sections 406, 498-A IPC registered at

Police Station Shimlapuri, Police Commissionerate, Ludhiana.

2. Learned counsel for petitioner pointed out that aforesaid FIR was registered on his statement which is Annexure P-1. The respondent No.2 was granted concession of anticipatory bail by passing impugned order dated 27.03.2023 which is Annexure P-2. No proper investigation was carried out by the police and the challan has been presented on 30.05.2023 only against Loveneet Singh husband whereas Mahinder Singh, father-in-law, has not been challaned in this case. Copy of Challan Report is Annexure P9. The respondent No.2 is extending threats and regarding this she had filed a complaint to the Commissioner of Police against SHO Police Station Shimlapuri and SHO Women Cell, Ludhiana which is Annexure P-12. The respondent No.2 is threatening in connivance with police and filing frivolous complaints against her. Learned counsel for petitioner has also placed on record one report of Assistant Commissioner of Police (South) Ludhiana (Annexure P-10) and other report of Station House Officer, Sadar dated 15.12.2023 (Annexure P-11). Considering the aforesaid facts and circumstances of the case, it is submitted that anticipatory bail granted in favour of respondent No.2 vide order dated 27.03.2023 may be cancelled by accepting the present petition.

3. Learned State counsel has filed status report confirming that Loveneet Singh - respondent No.2 had joined investigation on 11.12.2022 and got recovered dowry articles. Later-on interim anticipatory bail was confirmed vide order dated 27.03.2023 (Annexure P-2). After completion of investigation, challan has been presented and the chargesheet has been framed against accused – Loveneet Singh. The complainant has further filed one application under Section 173 (8) Cr.P.C which is still pending

for 15.04.2024. It is further submitted that complaint was received which was thoroughly enquired by ACP, Civil Lines, Ludhiana and the allegations were found to be baseless and it was consigned to the office record.

4. Learned counsel representing respondent No.2 has further opposed the cancellation of bail, granted in favour of respondent No.2. It is pointed out that he joined investigation and fully cooperated with the Investigating Officer. The investigation was completed and challan is also presented in the Court where respondent No.2 is facing trial. Therefore, petition filed by petitioner deserves dismissal.

5. I have considered the arguments and have gone through the record carefully. It is matter of record that Loveneet Singh had applied for anticipatory bail which was allowed by this Court vide order dated 27.03.2023 in CRM-M-56160-2022. Copy of the order is Annexure P-2. The concession of anticipatory bail was granted subject to the conditions detailed under Section 438 (2) Cr.P.C. Now present petitioner, who is the complainant in FIR, has filed petition for cancellation of bail. Firstly, as per the status report filed by learned counsel representing the State indicates that the respondent No. 2 fully cooperated during the investigation. The dowry articles were recovered and ultimately after completion of investigation challan is already presented in the Court and the respondent No.2/accused is facing trial before the trial Court. Secondly, the petitioner alleged that she was receiving threats from respondent No.2 and on that account she had filed complaints. Counsel for petitioner has placed on record the enquiry reports (Annexures P-10 & P-11) which clearly indicates that the matter was enquired by the police and

complaint filed by present petitioner were found to be without any basis and the same were accordingly consigned.

6. Therefore, the facts alleged by the petitioner for the cancellation of bail are not substantiated by any record. For the cancellation of bail, conduct subsequent to release of bail and the supervening circumstances are to be seen.

In view of my above discussion, I do not find any merits in the petition filed by petitioner seeking cancellation of bail and the same is, accordingly, declined.

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

26.04.2024
snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No