



CRM-M-63617-2023

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

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CRM-M-63617-2023

Date of decision: 24.10.2024

POONAM TIWARI

....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

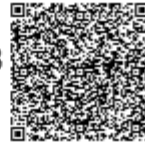
Present: Mr. J.S, Kang, Advocate
for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

Mr. G.S. Verma, Advocate
for respondent No. 2.

JAGMOHAN BANSAL, J (ORAL)

1. Short reply by way of affidavit of respondent No. 2 (Lucky Pandey) is taken on record. Registry is directed to tag the same at an appropriate place.
2. The petitioner through instant petition under Section 439(2) Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking cancellation of anticipatory bail granted to respondent No.2 vide order dated 24.05.2023 passed by this Court in FIR No.145 dated 30.11.2021 under Section 406 and 498-A of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Women Cell, Ludhiana, District Police Commissionerate Ludhiana.
3. Learned counsel for the petitioner *inter alia* contends that private respondent is misusing concession of anticipatory bail. He is threatening the petitioner. He is blocking her way and creating problems. He is also sending unwanted messages.



4. Mr. Gurpartap Singh Bhullar, AAG, Punjab submits that examination of prosecution witnesses is going on. The complainant has already been examined. They have not found any act or omission of respondent No. 2 seeking cancellation of bail, thus, State has not filed any application.

5. I have heard the arguments of both sides and with the able assistance of learned counsel perused the record.

6. The conceded position emerging from the record is that respondent No. 2 was granted concession of anticipatory bail vide order dated 24.05.2023 passed by this Court. The examination of prosecution witnesses is going on. The State has not filed any petition seeking cancellation of bail of respondent No. 2. The petitioner is relying upon messages send by respondent No. 2.

7. On being confronted with the messages, counsel for respondent No. 2 assures the Court that respondent No. 2 shall neither send any message nor telephonically contact the petitioner.

8. From the perusal of record and arguments of learned counsel for the petitioner, it comes out that grievance of the petitioner is that respondent No. 2 after concession of anticipatory bail is threatening her. From the perusal of messages, it is difficult to come to the conclusion that respondent is mis-using concession of bail warranting cancellation. The FIR was registered in 2021 and examination of prosecution witnesses is going on. The State is not seeking cancellation of bail.

9. The parameters of granting and cancellation of bail are totally different. Bail cannot be cancelled unless and until there is evidence of mis-use of bail in the form of commission of similar or identical offence, tampering or destruction of evidence, threatening or winning over of witnesses. Bail already granted cannot be cancelled in a mechanical manner.



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10. The Court while granting bail is not supposed to deal with each and every contention of the complainant. A bail once granted cannot be cancelled on the basis of bald allegations of the complainant especially when there is no complaint by prosecuting agency supported by evidence of mis-use of bail.

11. Dismissed.

24.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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