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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5383/2018**

PRIYANKA DHINGRA

.....Petitioner

Through: Mr. Vijay V., Mr. Ashwani Gahlot,
Ms. Roopa Nagpal, Ms. Karishma,
Advts.

versus

STATE & ORS.

.....Respondents

Through: Mr. Raghuvinder Varma, APP for the
State with SI Guli Goswami, PS
Anand Vihar
Mr.Varchaswa Singh, Adv. for R-
2&3 (VC)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

02.09.2024

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1. The present petition has been filed seeking cancellation of bail granted to the respondent No.2 and 3 vide order dated 03.10.2018.
2. Learned counsel submits that the anticipatory bail was granted to the respondent solely on the basis of an affidavit filed by the petitioner in the DV Act proceedings, stating that she had purchased the property in Anand Vihar after selling her valuable 'streedhan' articles. Learned counsel further submitted that a typographical error occurred in the aforementioned affidavit filed by the petitioner. The affidavit was later corrected, and a report was called from the protection officer. Learned counsel submits that such observations in the anticipatory bail order may prejudice the petitioner.
3. The jurisdiction regarding the cancellation of bail can be exercised



only in two conditions; either there is perversity in the order granting bail or some supervening circumstances have happened; on the basis of which it is not desirable that the respondent may remain on bail. The Apex Court in *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* [2010] 12 S.C.R. 1165 wherein it was *inter alia* held that bail can be cancelled if the order granting bail suffers from perversity, or if there is evidence of the accused tampering with witnesses, attempting to flee, or committing similar offenses during the period of bail.

4. Similarly in *Neeru Yadav v. State of U.P. & Anr.* [2014] 12 S.C.R. 453, wherein the Supreme Court *inter alia* held that the discretion to grant bail must be exercised judiciously, and if the order is found to be perverse or if new circumstances arise that could impact the trial, the bail can be cancelled.
5. I consider that neither of the conditions is fulfilled here. However, since there was a typographical error in the affidavit, as stated by the learned counsel for the petitioner, the observations made in the order dated 03.10.2018 shall not be taken into account, and the learned Trial Court shall decide the matter independently in accordance with the law. The petitioner is at liberty to raise all the contentions before the learned Trial Court.
6. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 2, 2024

Pallavi/NA