

2025:PHHC:051950



208.

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

CRM-M-6446-2024

Date of decision: 22.04.2025

Sandeep Kaur

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kapish Singla, Advocate for the petitioner.

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

Mr. Vikrant Bhardwaj, Advocate, for
Mr. Ankush Singla, Advocate, for respondent No.2.

Mr. P.S. Dhaliwal, Advocate, for respondents No.3 to 5.

Mr. Gursher Singh Sandhu, Advocate,
for respondents No.8 and 9.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 439(2) read with Section 482 of Cr.P.C. is for cancellation of bail order dated 19.01.2022 passed by this Court, vide which, respondents No.2 to 9 were granted the concession of anticipatory bail in case FIR No.340, dated 10.07.2020, under Sections 346, 376D, 328, 120-B, 506, 34 of IPC, registered at Police Station City Barnala, District Barnala.

2. The petitioner/complainant is seeking cancellation of anticipatory bail granted to the private respondents, who are among the 13 accused persons in the present case, three of whom are serving police officials.

3. Learned counsel for the petitioner submits that the private respondents have been persistently intimidating the petitioner and her family members, pressurizing them to arrive at an amicable settlement and threatening them with false implications in criminal cases under the IPC/BNS if they failed to comply. It is further submitted that due to such sustained harassment, the petitioner and her family members have been rendered incapable of deposing freely and fearlessly before the trial Court, thereby undermining the fairness of the ongoing trial proceedings.

4. Attention is also drawn to a previous petition for protection filed by the petitioner before this Court, wherein interim protective directions were issued. However, it is alleged that, in blatant disregard of such directions, certain police officials illegally entered the residence of the petitioner on 29.01.2024, and during the said intrusion, they abused and threatened the mother of the petitioner and other family members. The incident is stated to have been captured on the CCTV system installed at the residence of the petitioner.

5. In compliance of order dated 16.10.2024, reply in the form of affidavit dated 04.02.2025 of Satvir Singh, Deputy Superintendent of Police, Sub-Division Barnala, on behalf of respondent No.1-State, has already been filed in the Registry of this Court. The same is taken on record subject to all just exceptions. Copy thereof is supplied to the counsel opposite.

6. *Per contra*, learned counsel for the State assisted by the counsels for the private respondents, has opposed the prayer and submissions made by the counsel opposite. It has been submitted that the

allegations made are unfounded and have been raised only to prejudice the ongoing trial. It is pointed out that the petitioner/prosecutrix was examined before the trial Court on 05.02.2024 and her mother was examined the very next day i.e. on 06.02.2024. Eight material witnesses, including these key witnesses, have already been examined out of a total of 34. It is, thus, contended that the apprehension of undue influence or coercion affecting the testimony of these witnesses no longer holds any relevance, as their depositions have already been recorded and form part of the judicial record.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. The principles governing the cancelation of bail, including anticipatory bail, have been clearly enunciated by the Hon'ble Supreme Court through its various pronouncements. It is well settled that bail once granted may be cancelled only upon the emergence of cogent and overwhelming circumstances, such as, misuse of liberty, interference with the course of investigation or trial, attempt to influence witnesses or likelihood of absconding.

9. In the present case, the primary ground urged for cancelation is that the petitioner and her family are being subjected to threats and coercion by the accused persons. However, a bare perusal of the record including the affidavit which has been filed by the State in the Court reveals that both the petitioner and her mother, who are material witnesses, have already been examined by the trial Court and their statements have been recorded. There is nothing on record to suggest that their depositions were compromised in

any manner or that any intimidation was contemporaneously brought to the notice of the trial Court.

10. Furthermore, the trial is now at an advance stage with a substantial portion of the prosecution evidence already recorded. No fresh material is brought on record to indicate any misuse of liberty by the private respondents post the grant of anticipatory bail. Allegations pertaining to an incident dated 29.01.2024, even if taken at face value, do not disclose any overt act attributable to the private respondents that would justify cancellation of bail at this stage. Learned State counsel has also, on instructions, vehemently submitted that the complaints made by the petitioner were thoroughly inquired into, however, no grain of truth was found in the same.

11. Having considered the submissions of the parties, the relevant stage of the proceedings, and the settled position of law, this Court finds no justifiable reason to interfere with the anticipatory bail granted to the private respondents vide order dated 19.01.2022.

12. Present petition stands dismissed accordingly.

13. 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.

(MANJARI NEHRU KAUL)
JUDGE

April 22, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No