

2025:PHHC:021168



113.

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

CRM-M-7488-2025

Date of decision: 13.02.2025

Balwinder Kaur

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Pooja Jaglan, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

By way of present petition, the complainant, petitioner herein, has challenged the order dated 24.01.2024 (Annexure P-2), vide which, this Court has granted regular bail to respondent No.2-Rajeev Dutta, in case FIR No.97, dated 16.03.2023, under Sections 420, 406, 506 IPC (Sections 370 and 384 IPC added lateron) and Section 24 of Immigration Act, registered at Police Station Taraori, District Karnal.

Learned counsel for the petitioner submits that this Court, vide order dated 24.02.2024 (Annexure P-2), granted bail to respondent No.2 on the basis of a compromise reached between the parties. However, respondent No.2 has allegedly failed to adhere to the terms of said compromise dated 20.11.2023.

It is further contended that respondent No.2 defrauded the petitioner of Rs.32 lakhs under the pretext of facilitating the petitioner's son's migration to the United States. It has been alleged that under the guise of assisting in this process, respondent No.2 engaged in human trafficking and inflicted physical harm upon the son of the petitioner.

I have heard learned counsel and perused the material on record.

The Hon'ble Supreme Court has consistently held that bail granted to an accused can only be cancelled in limited circumstances, namely:-

- (i) violation of conditions imposed by the court while granting bail;
- (ii) misuse of the liberty by attempting to influence witnesses;
- (iii) deliberate attempts to delay trial by remaining absent; or
- (iv) commission of another offence while on bail.

It is also settled principle of law that the fundamental right to personal liberty, as enshrined under Article 21 of the Constitution of India, cannot be curtailed arbitrarily or capriciously.

In the present case, the grievance of the petitioner pertains to the alleged non-fulfillment of the terms of the compromise by respondent No.2. However, mere non-compliance with the compromise, does not

amount to misuse of the concession of bail or violation of any condition warranting its cancellation.

In view of the above, this Court finds no merit in the instant petition. Accordingly, the petition stands dismissed.

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

February 13, 2025
sanjeev

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