



CRM-M-43614-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43614-2022 (O&M)

Date of Decision:- 27.01.2025

Veena Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Dr. Anju Sharma, Advocate
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Mr. Anil Kumar Garg, Advocate
for respondent No. 2.

AMARJOT BHATTI, J.(Oral)**CRM-47079-2024**

This is an application filed u/s 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record translated copy of statement given by Shaukat Ali (Annexure A-1), translated copy of calandra dated 04.04.2019 (Annexure A-2) and translated copy of SIT Report dated 04.04.2019 (Annexure A-3).

For the reasons enumerated in application, same is allowed. Accompanying documents Annexures A-1 to A-3 are taken on record, subject to all just exceptions.

Main case

1. Petitioner Veena Sharma has filed second petition under Section 439(2) read with Section 482 of Criminal Procedure Code, 1973



for cancellation of anticipatory bail granted to respondent No. 2 Shaukat Ali in FIR No. 171 dated 26.08.2016 under Section 376, 506 of IPC registered at Police Station City Kapurthala, Punjab vide order dated 14.09.2017 passed in CRM-M-32586-2016 as Annexure P-2.

2. Learned counsel for petitioner argued that FIR No. 171 dated 26.08.2016 (Annexure P-1) was registered on her statement against Shaukat Ali respondent No. 2/accused with allegations of sexual abuse from 1997 to 2015 on the pretext of marriage. He applied for anticipatory bail in said FIR in which he was granted *interim* bail vide order dated 29.09.2016 and thereafter his anticipatory bail application was allowed in CRM-M-32586-2016 vide order dated 14.09.2017 (Annexure P-2). It is pointed out that respondent No. 2 was granted bail merely on the ground he cooperated with Investigating Agency to get himself medico legally examined. After granting *interim* bail, he started pressurizing her through a lady to effect compromise in said FIR. A Calandra under Section 107/151 of Cr.P.C. was presented in the Court of SDM, Kapurthala, which is Annexure P-3. Petitioner had filed petition bearing CRM-M No. 42732 of 2017 for cancellation of bail which was dismissed vide order dated 27.03.2018 (Annexure P-4) as accused was discharged by Sub Divisional Magistrate, Kapurthala in proceedings under Section 107/151 of Cr.P.C. On 21.08.2017, when she was going to Court for hearing, she was attacked by Shaukat Ali alongwith some unknown persons. She rushed to hospital where she was medically examined and X-ray was done. DDR No. 9 dated 08.09.2017 under Section 323, 506 of IPC was lodged but even then no FIR was registered. Copy of her statement recorded on 16.08.2022 is



Annexure P-5. At the time of final disposal of bail application, Court was not apprised about the attack by Shaukat Ali accused/respondent No. 2 alongwith others. She gave a representation to I.G., Jalandhar Zone dated 12.04.2018 (Annexure P-6) and Special Investigating Team was constituted to look into the matter. Copy of order dated 11.02.2019 is Annexure P-7. Special Investigating Team filed report dated 06.03.2019 (Annexure P-8) suggested for preventive action against respondent No. 2 but even then nothing was done. She is continuously living under the state of fear and threat to her life and family members. She also gave one representation to SDM, Kapurthala dated 18.06.2019 (Annexure P-9) and another representation to SSP, Kapurthala dated 12.11.2021 (Annexure P-10) but no concrete action was taken on her representations and ultimately she filed present second petition for cancellation of bail granted in favour of respondent No. 2 vide order dated 14.09.2017. It is pointed out that respondent No. 2 continuously threatened the petitioner. Therefore, he violated the terms and conditions of bail order. Petition filed by petitioner may be accepted and bail granted in favour of respondent No. 2 Shaukat Ali vide order dated 14.09.2017 (Annexure P-2) may kindly be cancelled.

3. Learned counsel representing State filed detailed status report confirming the *interim* bail granted in favour of respondent No. 2 vide order dated 29.09.2016, which was made absolute vide order dated 14.09.2017 (Annexure P-2). After completion of investigation, challan was presented against accused/respondent No. 2. Case was committed to the Court of learned Additional Sessions Judge, Kapurthala on 20.12.2017. Chargesheet was framed. Thereafter, proceedings were stayed before the



trial Court in Criminal Revision No. 631 of 2018 filed by respondent No. 2 and case is pending before the trial Court for awaiting orders. It is confirmed that proceedings were initiated at the instance of complainant under Section 107/151 Cr.P.C. Respondent No. 2 also filed complaint No. 3078-SPC dated 29.09.2023 for taking action against petitioner for filing false complaints against him. Inquiry was conducted and it was transpired that complainant had filed number of complaints against respondent No. 2. Said applications were closed and it was recommended to take action against petitioner under Section 182 Cr.P.C. by SHO, Police Station Urban Estate, Kapurthala. Calandra under Section 182 Cr.P.C. was filed against petitioner vide DDR No. 28 dated 11.03.2024 before the trial Court. In the light of this, it is submitted that present petition is liable to be dismissed.

4. Learned counsel for respondent No. 2 filed reply and opposed the petition filed by petitioner. He denied the allegations levelled against him. It is pointed out that due to money dispute false allegations were levelled against him. Respondent No. 2 has never misused concession of bail granted in his favour. Petitioner is in habit of filing false complaints one after the another to harass respondent No. 2.

5. I have considered the arguments raised before me and have gone through the record carefully. In FIR No. 171 dated 26.08.2016 under Section 376, 506 of IPC registered at Police Station City Kapurthala, Punjab, after completion of investigation challan is already presented against respondent No. 2. Case is committed to learned Additional Sessions Judge where chargesheet is framed. It is alleged that proceedings in trial are stayed in Criminal Revision No. 631 of 2018 filed by respondent No. 2.



Admittedly respondent No. 2 was granted *interim* bail vide order dated 29.09.2016 and thereafter, final order dated 14.09.2017 is passed in CRM-M-32586-2016 (Annexure P-2). Petitioner has filed second petition for cancellation of bail mainly on the ground that respondent No. 2 with the help of others tried to intimidate and pressurize her to effect compromise. As per record proceedings were also initiated under Section 107/151 Cr.P.C. against accused but ultimately he was discharged in those proceedings. First petition filed by petitioner for cancellation of bail order dated 14.09.2017 was also declined on merits in CRM-M-42732-2017 (Annexure P-4). Thereafter, second petition has been filed on 09.09.2022. Incident of 21.08.2017 alleged by petitioner took place before passing of order for cancellation of bail which was disposed of vide order dated 27.03.2018 (Annexure P-4). Thereafter, she also filed application under Section 156(3) Cr.P.C. in which her statement was recorded which is Annexure P-5. She filed complaints to higher police officers against police officials for misplacing her medical record. Special Investigating Team was also constituted and ultimately report dated 06.03.2019 (Annexure P-8) was presented and it was recommended to consign the application and regarding any threat to petitioner or her daughter it was suggested that preventive action can be taken. Complaints (Annexures P-6, P-9 and P-10) to various authorities are pertaining to misplacing of record. As per status report, all applications filed by petitioner were consigned and action was recommended against petitioner as a result Calandra was presented under Section 182 Cr.P.C. before the trial Court.

Therefore, considering the aforesaid factual position, petitioner has failed to justify her second petition seeking cancellation of anticipatory bail granted in favour of respondent No. 2 vide order dated 14.09.2017, thus finding no merits in petition filed by petitioner, same is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

27.01.2025

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(AMARJOT BHATTI)
JUDGE

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