

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-5512-2015

Date of decision: 03.07.2015

Anshul Goel

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 160 dated 05.10.2011 registered under Section 36/1 of the Punjab Apartment and Property Regulation Act, 1975; Section 13/1D and 13(2) of the Prevention of Corruption Act, 1988 and Sections 420-120-B of the Indian Penal Code (added later on) at Police Station Sadar, Ludhiana, District Ludhiana.

When this case was listed on 23.04.2015, following order was passed:-

“Notice of motion for 03.07.2015.

It must be observed that statement made in the affidavit by Sh. Ashwani Sharma, Advocate for the petitioner in the trial Court cannot be given precedence over the observations in the judicial order passed but in the circumstances of the case, the

petitioner is directed to appear before the trial Court on 04.05.2015 and on doing so, the trial Court shall admit him to bail on furnishing fresh bail bonds to its satisfaction. Till then arrest of the petitioner shall remain stayed.

In case, petitioner fails to do so, the concession granted to him by this order shall automatically stand vacated.

*It is, pertinent to note that while allowing earlier prayer in **CRM-M-30952-2014** on 26.09.2014, this Court imposed a condition that the petitioners would not seek any further exemption from appearance. That observation was apparently to prevent the accused from mis-using the concession of bail, it is thus, clarified that whenever the case is called by the trial Court even in the early morning it would not be bound to wait for putting appearance by the petitioner-accused and the trial Court would be at liberty to cancel his bail. ”*

Learned petitioner's counsel submits that petitioner has put in appearance before the trial Court on 04.05.2015 in deference to the order dated 23.04.2015 and furnished the bails bonds.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and the order dated 23.04.2015 is made absolute, with a specific condition that whenever the

case is called by the trial Court even in the early morning it would not be bound to wait for putting appearance by the petitioner-accused and his counsel to cross-examine the witnesses. The trial Court would be at liberty to cancel his bail. It is also made clear that the bail bonds furnished by petitioner before the trial Court would continue during the pendency of trial.

July 03, 2014
rishu

(R.P. NAGRATH)
JUDGE