

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CrI. Misc. No. M-17863 of 2016

Date of decision : 29.08.2016

Ashish Dua

... Petitioner

versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjay Gupta, Advocate for the petitioner

Ms. Dimple Jain, AAG Haryana

Mr. Vikrant Hooda, Advocate for respondent No. 2

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 433 dated 28.04.2016 registered at Police Station Chandnibagh, Panipat under Sections 354, 354 A IPC.

The plea taken before the Court below was that a false case had been registered due to civil litigation. The plea was rejected by Addl. Session judge, Panipat on 10.05.2016. The Coordinate Bench vide order dated 23.05.2016 had directed the petitioner to join the investigation subject to deposit of Rs. 25,000/- by way of draft in favour of complainant-respondent as litigation expenses. Certain conditions were imposed including that the petitioner shall not leave India without prior permission of the Court. When the matter was came up for hearing on 03.08.2016, the complainant had informed that the petitioner had gone abroad without permission of the Court. He had also informed that this fact was brought to the notice of the Court and his bail in another case was cancelled.

Learned counsel for the petitioner on that day had stated that his son had fallen sick and some medicines were to be purchased from Italy and he had gone to Italy and the Courts were closed. The petitioner was asked to place on record the bill of purchase from Italy. It was also noted that the petitioner had not deposited the amount of Rs. 25,000/-. A draft of Rs. 25,000/- was handed over to the Investigating Officer only on 01.08.2016.

On 11.08.2016, counsel for the petitioner had stated that the entire luggage of the petitioner was lost and a claim has been lodged. He had placed on record copy of the e-mails written on 11.08.2016. The earlier e-mails had not been placed on record. To expose the falsity of the claim, the counsel for the

complainant had placed on record copy of the passport showing that Visa had been applied on 17.06.2016 and it was valid from 21.06.2016 to 12.07.2016 and the reason disclosed in the application filed before the trial Court was that he was to go abroad for business purposes. The complainant side had also informed that the petitioner stayed abroad from 20.06.2016 to 03.07.2016. The petitioner had sought time to place on record certain documents. No documents have been placed on record.

Heard. The petitioner had violated the order passed by this Court and had left the country without prior permission of the Court. The explanation given by the petitioner appears to be false. In the application given to the Court below it had been stated that he was to go abroad for business purposes and before this Court the claim was that he had to leave the country to purchase the medicines from Italy. The Visa had been applied much in advance. No application was moved before the Vacation Bench. Had there been any urgency, an application could have been filed. It appears that a false statement had been made. The petitioner is not entitled to any discretion any further.

The petition is dismissed. The petitioner would surrender before the Court below within a week.

August 29, 2016

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(ANITA CHAUDHRY)

JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No