

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

Criminal Misc. No.M-18029 of 2016
Date of Decision:-05.08.2016

Ramesh Chand Aggarwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. R.S.Thakur, Advocate for the petitioners.

Mr.Sidakmeet Sandhu, AAG, Punjab.

Mr.Mahavir Sandhu, Advocate for the respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in a Complaint case No.69, dated 15.03.2005, for offence punishable under Sections 500 and 501 IPC, registered at Police Station City, Jagadhari, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner is a Chairman and owner of newspaper, namely, '*Dainik Bhaskar*' with its offices situated throughout India including the office at Panipat. The complaint has been filed by respondent No.2-complainant under Sections 500/501 IPC alleging therein that an advertisement was published in the newspaper, namely, Dainik Bhaskar on 01.02.2005 which as per the version of respondent no.2-complainant, is defamatory in nature. He further

submits that the petitioner has earlier approached this Court in CrI. Misc. No. M-11466 of 2010 titled as “Ramesh Chand Aggarwal Vs. State of Haryana seeking quashing of the complaint and the summoning order dated 04.02.2006. In the said petition, this Court has passed number of orders including the order dated 11.12.2012 which is reproduced as under:-

“A date is requested on behalf of learned counsel for respondent No.2.

Adjourned to 22.1.2013.

In the meanwhile, further proceedings before the Court below are stayed.”

Thereafter the matter was listed for hearing on 22.01.2013 and while admitting the said petition, the following order was passed:-

“Requires consideration.

Admitted.

The petitioner shall appear before the trial Court unless on those dates when he is granted exemption.”

Learned counsel for the petitioner contends that it is under the bonafide interpretation of order dated 11.12.2012, when the further proceedings before the Court below were stayed, petitioner could not appear before the trial Court. He further submits that now petitioner is ready to appear before the learned trial Court and therefore, the order declaring the petitioner as proclaimed offender may be set aside.

Mr. Mahavir Sandhu, Advocate has put in appearance on behalf of respondent No.2-complainant and filed Power of Attorney in Court today which is taken on record. He submits that the conduct of the petitioner shows that he has no respect to the Court and despite the

repeated orders has not come forward to surrender before the Court.

Heard.

Though the plea of the petitioner that as the proceedings before the trial Court were stayed by this Court vide order dated 11.12.2012, therefore, petitioner could not appear before the trial court can not be accepted for the reason that vide subsequent order dated 22.01.2013 passed in CRM-M 11466 of 2010, he was specifically directed to appear before the trial Court unless on those dates his exemption from personal appearance is granted. However, considering the nature of dispute i.e. a private complaint filed by respondent No. 2 regarding publication of some defamatory statement, the petitioner is granted one more opportunity to surrender before the trial Court within a week from today.

Accordingly, in case petitioner surrenders before the trial Court within a week from today, trial Court shall admit him on bail subject to furnishing adequate bail bonds/surety bonds to its satisfaction.

It is made clear that in case the petitioner fails to appear before the trial Court within the time stipulated above, present petition shall deem to have been dismissed.

The petition stands disposed of accordingly.

(HARI PAL VERMA)
JUDGE

August 05, 2016
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No