

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-25331 of 2016

Date of decision : 29.08.2016

Ashish Dua

... Petitioner

versus

State of Haryana

... Respondent

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 the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 262 dated 16.03.2016 registered at Police Station Chandnibagh, Panipat under Sections 341, 354, 506 IPC. The connected matters are also fixed today.

Heard. The petitioner had been allowed regular bail on 19.03.2016. He had failed to appear before the Court below on 10.05.2016 and filed an application for exemption. The application was allowed and the case was adjourned for 01.07.2016. Another application was moved for exemption which was declined on 01.07.2016. The trial Court was informed that the petitioner had left the country without prior permission of the Court.

In a connected petition i.e. CRM-M-17863-2016 filed by the petitioner the petitioner had taken a plea that the false case had been registered due to civil litigation. This plea was rejected by Addl. Session judge, Panipat on 10.05.2016. Certain conditions were imposed including that 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 was cancelled.

Learned counsel for the petitioner on that day had stated that son of the petitioner had fallen sick and some medicines were to be purchased from Italy and he had left for Italy and could not take permission as the Courts were closed. The petitioner was asked to place on record the bill of purchase from Italy.

The counsel for the petitioner had stated that his entire luggage of the petitioner was lost and a claim has been lodged. 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 purpose. The complainant side had also informed that the petitioner stayed abroad from 20.06.2016 to 03.07.2016.

Heard. The explanation given by the petitioner appears to be false and in the application given to the Court below it had been stated that the petitioner went abroad for business purposes and before this Court the claim was that he had to leave the country to purchase 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.

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