

106.

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

CRM-M-32936-2016

Date of decision:26.09.2016

Vishal Marria

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.M.S. Gill, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for cancellation of regular bail granted to respondent No.2-Naveen Sood vide order dated 22.12.2014 (Annexure P-8) on the ground that he had gone abroad number of times without taking permission from the trial Court and he has stopped attending the court as is reflected in the order dated 29.07.2016 (Annexure P-7).

Learned counsel for the petitioner states that as per Section 438 Cr.P.C., a person cannot leave jurisdiction of the court without taking prior permission, but in the present case, respondent No.2 not only left the jurisdiction of the court, rather he went abroad. He further states that the petitioner has apprehension in his mind that as soon as he would give a statement against respondent No.2, he would abscond so as to frustrate the very purpose of filing the FIR No.49, dated 22.06.2012, under Sections 323, 341, 506, 34 IPC, registered at Police Station Division No.3, District Ludhiana.

I have heard learned counsel for the petitioner.

The offence for which the accused has to face trial is bailable and accordingly, he (respondent No.2) was ordered to be admitted on bail on furnishing bail bonds in the sum of ₹50,000/- with one surety of like amount each and there was no such condition that respondent No.2 cannot go abroad without prior permission of the trial Court. Therefore, the prayer of the petitioner that the bail granted to respondent No.2 may be cancelled, cannot be accepted. Even otherwise while admitting the petitioner on bail, trial Court has not imposed any such condition that respondent No.2, cannot leave the country without permission of the Court.

Accordingly, the present petition is dismissed.

(HARI PAL VERMA)
JUDGE

26.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.