

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

**CRM No.M-43758 of 2016 (O&M)
Date of Decision: December 07, 2016**

Niranjan Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Navjinder Singh Sidhu, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to respondent No.2 by learned Addl. Sessions Judge, Moga, vide order dated 03.01.2014 in case FIR No.23 dated 05.10.2013 under Sections 406, 420 and 120-B IPC, registered at Police Station NRI, Moga, as respondent No.2 had violated the conditions imposed by learned Sessions Judge, Moga, while granting the anticipatory bail.

At the time of arguments, learned counsel for the petitioner argued that respondent No.2 had gone to foreign country and came back before the next date in the case without taking permission of the Court to visit abroad and has thus violated the condition of the anticipatory bail order and therefore, the bail should be cancelled.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the record shows that anticipatory bail has been

granted on 03.01.2014 i.e. almost about 3 years back. There is no allegation that respondent No.2 ever misused the concession of bail by tampering with the evidence or by absenting from the Court etc., which means that the petitioner has complied with the conditions except this that he went abroad and came back to India between two dates in the trial. There is no allegation that he absconded from the trial on any date or the trial was delayed due to his visit to foreign country.

The plea of the accused, as argued by learned counsel for the petitioner, that he was not knowing the condition, has been accepted by the trial Court.

Keeping in view the facts that respondent No.2 has not delayed the trial nor there is anything on the record to show that accused wanted to avoid the process of law and keeping in view the conduct of respondent No.2 that for the last about 3 years, he has complied with the conditions of the anticipatory bail order, I do not find any ground to cancel the anticipatory bail granted to respondent No.2 and to send him to the custody.

Furthermore, even if this bail order is cancelled and respondent No.2 was sent to custody, no purpose will be served by keeping him in custody till the disposal of the case. Nothing has been argued that there is apprehension that respondent No.2 may abscond to foreign country in future also.

Therefore, finding no merit in the present petition, the same is dismissed.

December 07, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No