

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

Crl. Misc. M-11474 of 2017 (O&M)
Date of Decision: November 20, 2017

Charanjit

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kashish Garg, Advocate for
Mr. Bir Davinder Singh, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG Punjab.

Mr. N.S. Dadwal, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR no.25 dated 01.02.2016, under Sections 420, 120-B, 494, 498-A of Indian Penal Code, registered at Police Station Jagraon, Ludhiana, District Ludhiana.

By an order dated 03.04.2017, the petitioner was directed to join the investigation, *inter alia* with a specific condition that the petitioner shall not leave India without the previous permission of the court. The matter was taken up on 07.09.2017, on which date this court was informed that the petitioner had left India without prior permission of the court.

Today, a status report has been filed in the shape of affidavit by

Mr. Kanwalpal Singh, PPS, DSP Jagraon, District Ludhiana (Rural), in which it is specifically stated that the petitioner joined the investigation on 18.05.2017, however, left India on 29.05.2017 without getting prior permission of the court, as envisaged in the order dated 03.04.2017.

Learned counsel appearing on behalf of petitioner submits that the instant petition has been filed through Mr. Bir Davinder Singh, Advocate, who too has left India and has gone abroad. He had instructed him to appear in the matter. It is submitted that he tried to contact the petitioner and has not been able to do so.

I have heard learned counsel for the parties, apart from perusing the record.

The grant of anticipatory bail is a discretionary relief and the conduct of the petitioner has to be seen as well. In the instant case, there has been clear violation of the order dated 03.04.2017 granting interim protection to the petitioner, as the petitioner has left India without prior permission of the court.

In view of the peculiar facts and circumstances of the present case, this court is of the considered view that the petitioner is not entitled to discretionary relief of anticipatory bail from this court. Accordingly, the petition in hand is hereby dismissed. Needless to say, consequently with the dismissal of the petition, any interim protection granted to the petitioner stands automatically vacated.

November 20, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No