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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: March 14, 2017
CRM-M-19503 of 2016

Om Parkash Johrar and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CRM-M-42460 of 2016

Savita Johrar and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CRM-M-38946 of 2016

Kanwaldeep Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Jitender Dhanda, Advocate
for the petitioners (in CRM-M-19503 of 2016 &
CRM-M-42460 of 2016).

Mr. K.B.S. Mann, Advocate
for the petitioner (in CRM-M-38946 of 2016 and
for respondent No.2 (in CRM-M-19503 of 2016 &
CRM-M-42460 of 2016).

Ms. Rajni Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Rule. Heard learned counsel for the rival parties.

By this common order, all these three petitions are being
disposed of.

The complainant-Kanmaldeep Kaur daughter of Dr. Hakam

Singh had lodged FIR No.160 dated 22.12.2012, under Sections 420,

120-B of the Indian Penal Code, 1860 (for short 'IPC'), with the Police Station Lambi, District Sri Muktsar Sahib, pursuant to which, as stated by learned counsel for the rival parties, challan has been filed on 16.11.2016 against the present petitioners and in so far as other accused persons are concerned, challan has already been filed in the year 2014. The allegations in the FIR are about the cheating, conspiracy in relation to the amount allegedly embezzled by the petitioners. Learned Additional Sessions Judge, Sri Muktsar sahib had protected them in order granting anticipatory bail. Earlier to that, this Court had made an order quashing the order declaring them P.O.

Learned counsel for the complainant had sought cancellation of the order granting anticipatory bail made by the learned Sessions Court.

Learned counsel for the petitioners have filed one petition for quashing the FIR in question and one more petition for permission to visit Australia where they have permanent residence.

From the perusal of the record, it clearly appears that the petitioners were given a chance to participate in the criminal proceedings, though, they had approached this Court for quashing of P.O. order. Not only that, even the learned Sessions Court had granted anticipatory bail in their favour for remaining at liberty in order to defend the prosecution against them. It cannot be forgotten that the FIR relates to the year 2012 and thus, more than one and a half year has already passed without any effective trial. In my opinion, the trial itself should be expedited looking to the nature of allegations made by the

complainant and the fact that the FIR is pending since the year 2012. The trial cannot be allowed to be delayed *ad infinitum*. In that view of the matter, I think by expediting the trial, very purpose of filing these petitions would be served. I do not think that the order granting anticipatory bail to the petitioners should be revoked or cancelled in the light of the fact that the trial is being expedited. I also do not think that the permission to go abroad, namely, Australia for residence which is their place of permanent abode should also be granted till the trial is completed. Trial Court is, therefore, expected to begin the trial and complete it within the stipulated period keeping in mind the fact that the petitioners are Australian citizens and need to go back in the event of conclusion of trial. Similarly, interest of the complainant will have to be protected since she lodged the FIR in the year 2012 and still is unable to get justice.

Learned counsel for the petitioners submits that the complainant is not appearing before the trial Court and therefore, the trial is likely to be delayed.

Learned counsel for the complainant states that since now the trial is being expedited, the complainant would make appearance before the trial Court for tendering evidence.

In the light of the above discussion, I make following order:-

ORDER

- (i) CRM-M-19503 of 2016 stands rejected;
- (ii) CRM-M-42460 of 2016 stands rejected;
- (iii) CRM-M-38946 of 2016 for cancellation of order of anticipatory bail to the petitioners, also stands rejected;

- (iv) The trial in FIR No.160 dated 20.12.2012, under Sections 420, 120-B IPC, registered with the Police Station Lambi, District Sri Muktsar Sahib, shall now commence with the trial Court and shall be completed within three months from today;
- (v) It is made clear that, if the complainant does not appear before the trial Court, the trial Court is free to close the case and proceed further in accordance with law;
- (vi) All the points raised by the petitioners in their respective petitions are left open and can be raised before the trial Court during trial;
- (vii) Parties are directed to appear before the trial Court on 15.03.2017 who shall frame the charge;
- (viii) A copy of this order be sent by fax to the learned trial Court.

(A.B. CHAUDHARI)
JUDGE

March 14, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No