

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-45064 of 2017
Date of Decision: 29.11.2017

Shweta Tyagi

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunil Kumar Jangra, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner has filed second petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.257 dated 02.06.2014 under Sections 406, 420, 506, 120-B IPC registered at Police Station Civil Lines, District Rohtak.

The record reveals that earlier also, the petitioner had approached this Court by way of CRM-M-42442-2015 for the same relief and the said petition was dismissed vide order dated 07.10.2016, as despite the direction of this Court, the petitioner had not joined the investigation.

To a specific query put to learned counsel for the petitioner that once the earlier anticipatory bail application has been dismissed by this Court, how the second anticipatory bail application is maintainable, no such law has been cited by learned counsel.

Learned counsel for the petitioner has argued that earlier, the petitioner could not join investigation as her passport was not available with her and therefore, she could not come to India.

However, as on 07.10.2016, when the earlier bail application of the petitioner was dismissed by this Court, the passport of the petitioner was never impounded. It is vide order dated 12.10.2017 Annexure P-5 passed by United Arab Emirates, Public Prosecution, attached with this petition, the petitioner was ordered to be released under personal bail by detaining her passport unless she is not prosecuted for any other reason. Therefore, as on 07.10.2016, the passport of the petitioner was not detained and it was detained only on 12.10.2017.

In view of the fact that the earlier petition for anticipatory bail was dismissed for the reason that the petitioner did not join the investigation despite repeated orders of this Court and now, the petitioner is not in a position to join investigation, on account of detention of her passport in United Arab Emirates, no ground for anticipatory bail is made out.

Accordingly, this petition is dismissed.

November 29, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No