

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-28417 of 2018 (O&M)

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Date of decision:19.7.2018

Gautam Patel

...Petitioner

v.

State of Punjab

...Respondent

....

(2) Criminal Misc. No.M-28398 of 2018 (O&M)

.....

Rajiv Indur Dadlani

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.S. Rai, Senior Advocate with Mr. Anurag Arora and Ms. Rubina Virmani, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab for the respondent-State.

Mr. J.S. Bedi, Senior Advocate with Mr. Sonpreet S. Brar Advocate for the complainant.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions
filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR

No.114 dated 23.5.2018 registered for the offence under Section 420 IPC (Annexure-P.1) at Police Station Kotwali Bathinda, District Bathinda and all consequential proceedings emanating therefrom.

Notice of motion was issued in these cases.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. J.S. Bedi, learned Senior Advocate assisted by Mr. Sonpreet S. Brar, Advocate has appeared for the complainant and contested these petitions.

I have heard learned senior counsel for the petitioners as well as learned Senior Deputy Advocate General, Punjab appearing for the respondent-State and learned senior counsel for the complainant and have gone through the record.

In FIR No.114 dated 23.5.2018, non-bailable warrants were issued admittedly by the Court of learned Chief Judicial Magistrate, Bathinda and both the petitioners have been arrested and produced before the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai, and they were released on transit bail with the directions to the petitioners to surrender before learned Chief Judicial Magistrate, Bathinda, on furnishing of P.R. bond of Rs.50,000/- each with cash security of Rs.2,00,000/- each. They were directed to attend the Court of learned Chief Judicial Magistrate, Bathinda (Punjab) on or before 11.7.2018 along with other conditions.

It is admitted fact that the petitioners instead of appearing before the learned Chief Judicial Magistrate, Bathinda, in compliance of the

order passed by the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai, filed these petitions seeking anticipatory bail. It is admitted that the order passed by the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai, was not complied with by both the petitioners. It is also on the record that neither any application seeking regular bail nor any application seeking anticipatory bail have been filed by the petitioners before the Court at Bathinda. Rather, directly these petitions have been filed before this Court at Chandigarh.

Keeping in view the admitted fact that the petitioners have already been arrested in the present FIR and were only granted transit bail for seven days, therefore, they cannot file these petitions for anticipatory bail. Rather, they have to approach the learned Chief Judicial Magistrate, Bathinda, by complying with the order of the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai, to surrender before the Court of learned Chief Judicial Magistrate and ask for the regular bail.

Learned senior counsel for the petitioners argued in length for grant of anticipatory bail but these petitions are not maintainable after the arrest of the present petitioners in the present case and after they have been released on transit bail. Further more, the conduct of the petitioners also disentitle them for grant of discretionary relief of anticipatory bail as they have not complied with the order passed by the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai, and violated the terms and conditions of the transit bail.

Therefore, in view of the above facts, I find that these

petitioners are not entitled for the benefit of anticipatory bail, hence the these petitions are dismissed.

July 19, 2018. (Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No