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

CRM-M No. 26591 of 2019
Date of Decision: 21.08.2019

Union Territory, Chandigarh

-Petitioner

Vs

Birender Shah

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajiv Sharma, P.P.,
for UT, Chandigarh.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner- Administration (Union Territory, Chandigarh) has preferred this petition for cancellation of anticipatory bail granted to the respondent in FIR No.50 dated 16.02.2015 registered under Sections 420, 468 and 471 IPC at Police Station Sector-39, UT, Chandigarh vide order dated 28.05.2015 passed in CRM-M No.8688 of 2015.

2. Vide the aforesaid order, order dated 19.03.2013 was made absolute and the present respondent was directed to keep on joining the investigation as and when called upon to do so by the Investigating Officer.

3. The issue before this Court was that the respondent had deposited the loan installments upto May, 2015 with the Bank of Maharashtra.

4. Learned State counsel states that the respondent has not deposited the remaining installments with the Bank for which he was required to join the investigation on being called upon to do so by issuing different notices by the Investigating Officer.

5. Fact remains that the respondent has not joined the investigation after the order dated 28.05.2015 passed by this Court, confirming the *ad interim* anticipatory bail of the respondent.

6. Notice of motion was issued on 01.07.2019 for 26.07.2019. On 26.07.2019, it was noticed that the respondent was evading service as his brother was found present at the address and disclosed that the respondent has left the place and has gone to Bihar. The brother did not disclose his address of Bihar.

7. On the last date, intimation was sent to Mr. O.P. Arora, Advocate who had earlier filed CRM-M No.8688 of 2015 on behalf of the respondent. Mr. O.P. Arora, Advocate has been duly informed telephonically as well as through Whatsapp message as he was not found present in his chamber.

8. From the facts and attending circumstances of the case, it appears that the respondent has violated concession of anticipatory bail granted to him vide order dated 28.05.2015.

9. In view of above, anticipatory bail granted to the respondent (petitioner therein) in CRM-M No.8688 of 2015 vide order dated 28.05.2015 is hereby cancelled.

10. Normal consequences to follow.

21.08.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No