

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61682-2018

Date of decision: 26.08.2019

Sarabjit Singh

... Petitioner

Vs.

Gurmeet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Subhash Aggarwal, Advocate for the respondent-complainant.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in complaint case No.34 dated 21.05.2013 under Sections 420, 406, 467, 468, 471, 120-B IPC, wherein the petitioner was summoned to face trial vide order dated 30.10.2014.

On 20.12.2018, following order was passed by this Court: -

“... Counsel for the petitioner has submitted that the petitioner was summoned to face the trial vide order dated 30.10.2014 and thereafter, he was appearing before the trial Court, however, on account of his health problem, he had to travel U.S.A. for his medical treatment as his family is settled abroad and since the petitioner has not obtained the permission from the trial Court, he was declared as proclaimed offender vide order dated 25.09.2017. Counsel for the petitioner has relied upon the order dated 21.02.2018 (Annexure P3) vide which the other co-accused, who had faced the trial, were discharged. It is further submitted that

the petitioner is ready to appear before the trial Court and face the proceedings, in accordance with law....”

Vide aforesaid order dated 20.12.2018, the petitioner was directed to appear before the trial Court with a direction to pay the costs of Rs.25,000/- to be deposited with the District Legal Services Authority, Batala and the trial Court was directed to grant him interim bail subject to his furnishing bail/surety bonds.

On a request made by learned counsel for the complainant that the petitioner is not appearing before the trial Court and has travelled abroad without prior permission of the Court, the report of the trial Court was sought.

As per report submitted by the trial Court, the petitioner has appeared before the trial Court on 05.01.2019, in compliance of the aforesaid order dated 20.12.2018 and therefore, the order is complied with by the petitioner. The report further states that the main case already stands decided and only an application for summoning the original file from the record room, is pending before the trial Court. The trial Court has further reported that the petitioner has not obtained any order from the Court to go abroad and no exemption is granted in this regard.

In view of the above, this petition is disposed of. However, liberty is granted to the complainant to raise all his objections before the trial Court, which will be decided independently, in accordance with law.

[ARVIND SINGH SANGWAN]
JUDGE

26.08.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No