

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

CRM-M-53826 of 2018 (O&M)
Date of Decision: March 16, 2020

Gurnam Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

None for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to respondent No.2 by an order dated 22.08.2017 in CRM-M-42343 of 2015 in FIR No.105 dated 29.10.2015, registered under Sections 406, 498-A of Indian Penal Code at Police Station Badhni Kalan, District Moga, as respondent No.2 has violated the conditions as prescribed under Section 438(2) Cr.P.C.

Counsel for the petitioner would contend that the aforesaid FIR was registered against Sarabjit Singh son of Paramjit Singh (husband), Paramjit Singh @ Billu son of Nazar Singh (father-in-law), Harjit Kaur wife of Paramjit Singh and Baljit Singh @ Billu son of Nazar Singh (brother

of father-in-law) of the complainant. It is stated that during the pendency of the proceedings under the said FIR, Paramjit Singh (father-in-law) of the complainant expired, however, Sarabjit Singh and Harjeet Kaur were arrayed as an accused under the challan. This court had allowed anticipatory bail to respondent No.2 namely Harjeet Kaur (mother-in-law) by an order dated 22.08.2017 passed in CRM-M-42343-2015 with a condition that she will not leave India without prior permission of the court. Counsel for the petitioner herein would contend that it has come to the knowledge of the petitioner that respondent No.2-Harjeet Kaur has gone back to Manilla.

Notice of motion has been issued in the matter, pursuant to which a reply by way of short affidavit of Mr. Manjeet Singh, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga has been filed by the respondent-State, which is taken on record and the said affidavit would reflect that respondent No.2 has gone Manilla without getting the prior permission from the trial court or this court, in terms of the order dated 22.08.2017.

I have heard counsel for the parties and have gone through the pleadings of the case as well as the short reply filed on behalf of the respondent.

As on date, whereabouts of respondent No.2 are not known and on verification by the respondent-State, it has come to the knowledge that she has gone to Manilla, without taking prior permission from the court, in violation of order dated 22.08.2017 passed in CRM-M-42343 of 2015 vide which she had been allowed anticipatory bail. Since respondent No.2 has

failed to adhere to the conditions granting anticipatory bail to her, as such, the instant petition is allowed and the anticipatory bail that had been allowed to respondent No.2 by order dated 22.08.2017 is hereby cancelled.

March 16, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No