

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

CRM-M No.2131 of 2021(O&M)

Date of Decision.13.09.2021

(Heard through VC)

Baljit Singh

...Petitioner

Vs

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ullas Kapoor, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C praying for concession of anticipatory bail in FIR No.262 dated 07.10.2018 under Sections 406, 498-A IPC registered at Police Station City Kharar, District SAS Nagar.

In brief, facts are that marriage of the petitioner and the complainant was solemnized on 09.10.2011, however, on account of the matrimonial dispute, an FIR came to be registered at SAS Nagar, Mohali in which the petitioner herein was allowed anticipatory bail. Thereafter on investigation of the matter, challan was presented and charges framed. During the pendency of the proceedings, he submitted an application seeking permission to travel Italy on the ground that in case, he does not visit Italy, he will lose his residency and work permit.

Notice was issued on the said application to the State, however, on account of restricted workings of the Court, the matter could not be taken up and therefore, the petitioner left for Italy in the meantime. On 08.10.2020, the

complainant filed an application for forfeiture of passport of the petitioner. In the said application, bail order of the accused-petitioner was cancelled vide order dated 13.10.2020 and non-bailable warrants of his arrest through Embassy were issued for 15.12.2020. Since the petitioner was keen to face trial, he moved an application on his return for anticipatory bail on 06.12.2020, well before the date fixed for his appearance in Court i.e. 15.12.2020, however, his bail application was rejected on 05.01.2021.

Aggrieved against the said order, the petitioner approached this High Court through the instant petition. This Court vide order dated 25.01.2021, while issuing notice of motion to the official respondents, had directed him to join proceedings and on his doing, he was ordered to be admitted to interim bail. The matter is taken up for hearing today and counsel for the petitioner would submit that pursuant to the order dated 25.01.2021, he has joined the proceedings on 29.01.2021 and is regularly appearing thereafter.

Learned counsel appearing on behalf of the respondent-State on instructions from the Investigating Officer admits to the fact that the petitioner herein has joined the proceedings.

I have heard learned counsel for the parties and have perused the pleadings of the case. Admittedly, the petitioner herein was on anticipatory bail and was appearing before the trial Court. He did move an application for permission to travel abroad, however, on account of COVID-19 pandemic, the matter could not be taken up and the petitioner without seeking permission left for Italy, consequent to which his anticipatory bail was cancelled and non-bailable warrants of arrest were issued. It is also admitted fact that before the date fixed, he came back to India and with the permission of this Court has now joined the proceedings and has been admitted to interim bail by the court below.

Therefore, no useful purpose would be served in not confirming the order passed by this Court on 25.01.2021.

Consequently, the instant petition stands allowed and the order dated 25.01.2021 stands confirmed.

(JAISHREE THAKUR)
JUDGE

September 13, 2021
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No