

In virtual Court

CRM-M-23638-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23638-2019 (O&M)
Date of decision: 12.08.2021

N.S. Bath @ Nirmal Singh

... Petitioner

Vs.

Central Bureau of Investigation

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mayur Karkra, Advocate for
Mr. Ravi K. Mattoo, Advocate
for the petitioner.

Mr. Sumeet Goel, Sr. Advocate with
Mr. A.K. Ranolia, Advocate
for the respondent-CBI.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 07.06.1993, vide which the petitioner was declared proclaimed offender in FIR No.RC 14/90-CHG dated 30.07.1990 under Sections 420, 467, 468, 471 IPC and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947, registered at Police Station SPE, Chandigarh.

While granting interim bail to the petitioner, following order was passed by this Court on 14.01.2020: -

“...Learned counsel for the petitioner submits that much prior to registration of the aforesaid FIR, the petitioner was residing in

USA i.e. since 12.02.1987 and he was not served at his ordinary place of residence before passing of the impugned order and even the procedure prescribed under Section 105(a)(b) Cr.P.C. was not followed for effecting service upon petitioner as he was residing abroad.

Learned counsel for the petitioner further submits that the petitioner has arrived back in India and he is ready to surrender before the trial Court and face the trial.

Learned counsel for the respondent-CBI has, however, opposed the prayer of the petitioner on the ground that due procedure was followed and by misusing the process, the petitioner has delayed the trial and now the fresh trial is to be started and evidence is to be re-recorded after the petitioner puts in appearance before the trial Court.

Considering the fact that petitioner is ready to surrender before the trial, it would be in the interest of justice if the proceedings, which are pending, are brought to a logical end by directing the petitioner to appear before the trial Court and face the trial.

List again on 18.02.2020.

In the meantime, the petitioner is directed to surrender before the trial Court on or before 30.01.2020 and on doing so, the petitioner shall be released on interim bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court and on payment of costs of Rs. 2 Lakh, out of which, Rs. 1 Lakh shall be deposited with Punjab and Haryana High Court Advocates' Welfare Fund and Rs. 1 Lakh shall be deposited in the Govt. Treasury under a head to be nominated by the trial Court.

The petitioner, while furnishing bail/surety bonds before the trial Court, will also deposit his passport with trial Court..."

Learned counsel for the petitioner submits that in compliance of the

aforesaid order, the petitioner has already deposited the costs and has appeared before the trial Court, which has released him on bail. It is further submitted that the order was passed on 14.01.2020 and there is no complaint that thereafter, the petitioner has misused the concession of interim bail, as he is regularly appearing before the trial Court and is facing the trial.

Learned senior counsel for the respondent-CBI, has opposed the prayer for bail on the ground that there are serious allegations against the petitioner.

After hearing learned counsel for the parties and considering the fact that the petitioner, for the last 01 year and 08 months, has not misused the concession of interim bail, this petition is allowed and the interim bail granted to the petitioner vide order dated 14.01.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

12.08.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No