

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(205)

CRM-M-16168-2022
Date of Decision: 08.07.2022

Akanksha Ghai

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Kirpal Singh, A.A.G., Haryana.

Ms. Sukhmani Patwalia, Advocate for respondent no.2.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439(2) Cr.P.C read with section 482 Cr.P.C praying for cancellation of bail granted to respondent no.2 Abhishek Verma by learned JMIC, Panchkula vide order dated 9.10.2020 in case FIR No.20 dated 26.11.2015 under sections 498-A, 323, 406, 506, 120-B I.P.C registered at Police Station, Women Cell, Panchkula.

The precise submissions made by learned counsel for the petitioner are that respondent no.2 is the husband of the petitioner. He was granted anticipatory bail by the court of learned Addl. Sessions Judge, Panchkula vide order dated 14.1.2016, however, thereafter in April, 2016 he left the country and went abroad without the permission of the court. Consequently, he was declared Proclaimed Offender by the court of competent jurisdiction vide order dated 2.3.2019. Counsel submits that as respondent no.2 left the country after having been granted the pre-arrest bail

without seeking permission of the court, his conduct is writ large. He submits that after being declared as Proclaimed Offender, respondent no.2 approached this court by way of filing CRM-M-28100-2019 seeking quashing of order dated 2.3.2019 declaring him Proclaimed Offender. This court vide order dated 17.9.2020 directed the respondent no.2 to surrender before the trial court on or before 12.10.2020 by granting him protection and that no coercive action shall be taken against him till 12.10.2020 in case he complies with the directions of the court. Thereafter, respondent no.2 appeared before the learned JMIC, Panchkula on 9.10.2020 and was granted regular bail by virtue of the impugned order. Counsel submits that in the overall facts and circumstances of the case, the conduct of respondent no.2 would show that he left India without seeking permission of the court and after having been declared Proclaimed Offender he was not entitled to the bail granted to him by the learned Magistrate concerned vide order dated 9.10.2020 and hence the same may be cancelled.

Learned counsel for respondent no.2 has vehemently opposed the submissions made by counsel for the petitioner. She submits that at one stage the petitioner and respondent no.2 arrived at an amicable settlement. It is submitted that respondent no.2 showed his bonafide by approaching this court for quashing of the order declaring him Proclaimed Offender and this court granted him protection till 12.10.2020. She submits that respondent no.2 duly surrendered before the JMIC concerned on 9.10.2020 and thus was rightly granted the benefit of bail. Counsel has further submitted that it was mentioned in the order passed by learned Addl. Sessions Judge, Panchkula while granting him bail that respondent no.2

would be at liberty to leave India and in case the present FIR is not cancelled, as per compromise and a report under section 173 Cr.P.C is filed, then, he would come back and report to the I.O on a prior notice of one week. She submits that respondent no.2 went abroad in view of the permission granted by the court while granting him anticipatory bail vide order dated 14.01.2016. It is submitted that respondent no.2 has not shown any disregard to the order passed by this court and has never misused the concession of bail and thus no ground is made out to cancel his bail.

On the other hand, learned State counsel on instructions from ASI Reenu has submitted that the investigating agency has already completed the investigation and the challan was also presented. He submits that at present the learned Trial Court is examining the witnesses and out of total 6 prosecution witnesses, 3 have been examined. It is submitted that respondent no.2 is continuously appearing before the learned Trial Court in accordance with the terms and conditions of the bail order.

I have heard learned counsel for the parties at length and have gone through the records carefully.

It is apparent that the respondent no.2 was granted anticipatory bail and thereafter he went abroad. The petitioner was declared Proclaimed Offender and he approached this court by way of filing a petition seeking quashing of order declaring him proclaimed offender. This court vide order dated 17.9.2020 directed him to surrender before the court concerned on or before 12.10.2020. Respondent no.2 duly surrendered before the court and was granted benefit of regular bail. As per submissions made by learned State counsel, respondent no.2 is continuously appearing before the Trial

Court and three out of six prosecution witnesses stand examined.

In the totality of facts and circumstances and without making any observation on merits, this court finds no ground for cancelling the bail granted to respondent no.2. Accordingly, the present petition being devoid of any merit, is dismissed.

Respondent no.2 would keep on appearing before the learned Trial Court for further proceedings in the trial.

(RAJESH BHARDWAJ)
JUDGE

08.07.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No