

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

**CRM-M-19972 of 2021
Date of Decision:12.01.2022**

Jaspal Singh

---Petitioner

versus

State of Punjab and another

---Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. A.S.Manaise, Advocate
for the petitioner

Mr. C.L.Pawar, Sr. DAG, Punjab

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

The petitioner has preferred this petition under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent No. 2 (Souravdeep Singh son of Satnam Singh) resident of village Jaurian Khurd, Tehsil Dera Baba Nanak, District Gurdaspur.

Respondent No. 2 has been involved in a case bearing DDR No. 16 dated 2.11.2019 under Sections 326, 324, 323, 34 IPC in FIR No. 112 dated 27.10.2019 under Sections 326, 324, 323, 506, 34 IPC, Police Station Dera Baba Nanak,

Police District Batala, District Gurdaspur.

Respondent No. 2 filed CRM-M- 38510 of 2020 in which interim order was passed on 23.11.2020 thereby staying the arrest of respondent No. 2. Final order was passed on 23.3.2021 and respondent No. 2 was directed to appear before the SHO/Investigating Officer to join investigation on 31.3.2021 and in the event of his arrest, he was to be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of the Investigating Officer. Further conditions were also imposed that he shall make himself available for interrogation before Investigating Officer as and when required. He shall not, directly or indirectly, make any inducement or threat or promise to any person acquainted with the facts of the case thereby dissuade him from disclosing such facts to the court or to the Investigating Officer. He was also directed that he shall not leave the country without prior permission of the court and shall surrender his passport.

In the present petition, the complainant has alleged that respondent No. 2 has gone abroad on 25.11.2020 and has not joined the investigation so far. Notice of motion was issued on 29.6.2021.

In pursuance of order dated 13.9.2021, Mr. Ritesh Pandey, Advocate, submits that on account of grant of anticipatory bail, the brief has already been taken by respondent

No. 2 and he has no instructions to appear in the present case. Respondent No. 2 has been served through his father. Admittedly, respondent No. 2 has gone abroad without seeking permission of the Court or the Investigating Officer and the order dated 23.3.2021 has been flouted.

In view of the abovesaid position, the anticipatory bail granted to the petitioner vide order dated 23.3.2021 is hereby cancelled. The State would be at liberty to proceed against respondent No. 2, in accordance with law.

(RAJ MOHAN SINGH)
JUDGE

12.1.2022
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No