

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

CRM-M 41516 of 2016 (O&M)

Date of Decision: January 06, 2022

Amit Chadha

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Puneet Jindal, Sr. Advocate with
Mr. Ravindra Jain, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. Advocate General, Haryana
for the respondent/State.

Mr. S.P. Arora, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through Video
conferencing on account of outbreak of pandemic COVID-19.

Amit Chadha petitioner has invoked the jurisdiction
of this Court under Section 482 Cr.P.C. seeking
quashment/modification of order dated 07.10.2016, vide which,
the Court below only partly allowed the application for

exemption of personal appearance of the petitioner.

The petitioner is on the grounds that he is an accused in case bearing FIR No. 529 dated 31.08.2015 under Sections 498-A, 406, 506 and 34 IPC registered with Police Station Sector 7 Faridabad, Haryana.

It is alleged that the petitioner is working in an Indian Company based in U.S.A and on account of matrimonial dispute between the petitioner and his wife Perna Chadha, the present case has been got registered. In the said proceedings in the absence of the petitioner an application was moved on his behalf by his counsel seeking exemption of his personal appearance from the Court. The Court disposed off the same vide order dated 07.10.2016, the operative portion of the order is as follows:-

“An application for permanent exemption from personal appearance on behalf of accused Amit Chadha filed. Copy supplied. Now, to come on 21.12.2016 for filing reply and consideration on the above said application. Accused Amit is directed to

appear before the Court on the date fixed.”

The complainant side and the State of Haryana filed separate replies denying the contentions primarily taking the plea that though the petitioner husband was allowed anticipatory bail and on presentation of challan the learned JMFC Faridabad vide order dated 05th April, 2016 granted regular bail but the petitioner failed to abide by the conditions of bail and never appeared till date and sought dismissal of the same.

Heard Mr. Puneet Jindal, Sr. Advocate assisted by Mr. Ravindra Jain, Advocate for the petitioner, Mr. Gaurav Jindal, Addl. Advocate General, Haryana for the respondent/State and Mr. S.P. Arora, Advocate for the complainant.

Mr. Puneet Jindal, learned Senior Counsel for the petitioner has sought to place reliance on **Y. Abraham Ajith and others Vs. Inspector of Police, Chennai and another** 2004(3) R.C.R. (Criminal) 988, **Satwant Singh and others Vs. State of Punjab and another** 2008(4) R.C. R. (Criminal) 429, **Bhura Ram and Ors Vs. State of Rajasthan and Another** 2008(2)

R.C.R. (Criminal) 761, Thota Venkateswarlu Vs. State of A.P. Tr. Princ. Section and another 2011(3) KLT 909, Itta Badrinath and others Vs. State and another 215 CrL LJ 4868 and Rajiv Mehta and another Vs. State of Punjab and others 2015(4) R.C.R. (Criminal) 340.

The learned counsel for the complainant seeks support from Criminal Appeal No. 594 of 2019 titled as Rashmi Chopra Vs. The State of Uttar Pradesh and another (connected appeals) decided on 30.04.2019 and Rupak Rathi Vs. Anita Chaudhary 2014(2) R.C.R. (Civil) 697.

Appreciating the submissions of the two sides, the petitioner in his application under Section 205 Cr.P.C. has sought exemption from personal appearance. It is there on the records that consequent upon allowing of the bail the petitioner has not appeared before the learned Magistrate till date. It is not displaced that the petitioner is residing abroad and has never come to India after securing bail. When he left India on 20.04.2016 without intimation to the Court or seeking permission from any competent Court of law, thus, the petitioner

is clearly misusing the concession of bail. The various orders passed by this Court on 23.11.2016 and 20.12.2016 had directed the petitioner husband to put in appearance but as has been stated at the bar before this Court till date he has failed to comply with the orders of this Court. Since such a situation this intentional disobedience of the orders of the Court as well as conditions by virtue of which the petitioner was allowed bail necessitates stricter and harsh action to be initiated against the petitioner.

More so, in an order passed on an application under Section 205 Cr.P.C. seeking exemption of appearance only a revision lies as has been held by the Apex Court in **Rajendra Kumar Sitaram Pande and others Vs. Uttam and another.**

Moreover, provisions of Section 482 Cr.P.C. are to be sparingly used in the rarest of rare cases.

Counsel to the specific query of this Court could not convince how such a petition under Section 482 Cr.P.C. is maintainable. In such a situation, the present petition is nothing but to gain undue time to defeat the process of law and defeat

the rights of the complainant who has been knocking at the doors of the Court since 2015. None of the ratios cited by the petitioner side comes to the rescue of the petitioner.

In the light of the foregoing reasons, there is no merit in the instant petition, the same stands dismissed. The petitioner is directed to appear before the concerned Court within one month from today.

January 06, 2022
amit rana

(FATEH DEEP SINGH)
JUDGE

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