

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(214)

CRM-M-35767-2022
Date of Decision: 13.12.2022

Amarveer Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Dr. Rau P.S. Girwar, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

Mr. G.S. Nahel, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.85 dated 18.6.2022 registered under Sections 420, 406, 494 IPC at Police Station, Longowal, Sangrur.

This court, finding the case to be a matrimonial dispute, granted interim protection to the petitioner vide order dated 16.8.2022, wherein it was directed that no coercive action shall be taken against the petitioner.

On 1.9.2022, this court modified the order dated 16.8.2022 by allowing the petitioner to join investigation subject to the conditions enumerated under section 438(2) Cr.P.C. On the request of learned counsel for the parties, parties were referred to the Mediation & Conciliation Centre of this court. Though, both the parties appeared before the Mediation Centre, however, the proceedings remained unsuccessful. Report of the Mediator dated 24.11.2022 has also been placed on record, which affirms the fact that despite best efforts, parties could not reach at an amicable

Learned counsel for the petitioner submits that petitioner has joined investigation in pursuance to order dated 1.9.2022, however, learned counsel for the complainant has opposed the same.

Learned State counsel on instructions from ASI Ranjit Singh has submitted that petitioner was granted the concession of interim bail on the averments made by counsel for petitioner and subject to the conditions as enumerated under section 438(2) Cr.P.C. He submits that as per condition no.(iii) petitioner was bound not to leave India without the prior permission of the court. However, despite being aware of the same, petitioner clandestinely made a blatant attempt to flee from the country on 9.11.2022 but he was detained by the airport authorities and was restrained from flying out of the country. It is submitted that as the petitioner has violated the conditions of interim bail, he has no right to remain on bail.

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

This court had granted interim bail to the petitioner only with a view to amicably settle the matrimonial dispute, however, court is convinced that the petitioner is no more keen to settle the matrimonial dispute. Besides this, he has not adhered to the conditions of interim bail as enumerated under section 438(2) Cr.P.C.

The power of granting anticipatory bail is extraordinary power. The petitioner by his conduct has failed to qualify the parameters of granting bail to him.

In the facts and circumstances of the case, this court is of the opinion that petitioner does not qualify the parameters for grant of anticipatory bail and accordingly the present petition is dismissed.

(RAJESH BHARDWAJ)
JUDGE

13.12.2022

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