

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

CRM-M-35764-2020

Date of Decision: 22.08.2022

Irina Singh

....Petitioner

VS

Union Territory of Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Bains, Sr. Advocate with
Ms. Aarushi Garg, Advocate
for the petitioner

Mr. Rajeev Anand, APP for U.T. Chandigarh – respondent No. 1

Mr. Anurag Arora, Advocate and
Mr. Rubal Garg, Advocate
for respondent No. 2

SUDHIR MITTAL, J. (Oral)

This petition arises out of a matrimonial dispute. On a complaint filed by the petitioner, FIR No. 3 dated 14.01.2020 was registered against the accused i.e. respondent No. 2 at Police Station Women Cell, Sector 17, Chandigarh under Sections 406, 498-A IPC.

The accused approached the Sessions Court for grant of anticipatory bail but the same was declined vide order dated 17.03.2020 on the ground that he had failed to disclose the fact that he was residing abroad i.e. in Dubai. Aggrieved, the accused approached this Court and was granted interim bail vide order dated 25.08.2020 wherein a condition was imposed that he would not go abroad without the permission of the Court. Vide order dated 30.09.2020, the interim bail was made absolute. Thereafter, the present petition was filed for cancellation of anticipatory bail on the ground that the petitioner has repeatedly violated orders of this Court and has gone abroad without taking permission of the Court.

Learned senior counsel for the petitioner has submitted that vide order dated 30.09.2020, interim order dated 25.08.2020 granting anticipatory bail was confirmed implying that the condition contained in the said order was a part of the final order also. Further, Section 438(2) Cr.P.C. statutorily prescribes that any accused must take permission of the Court before going abroad. Even if such a condition was non-existent in the final order passed by this Court, the accused was bound by Section 438(2) Cr.P.C. Having violated the said provision of law the benefit of anticipatory bail must be withdrawn.

Learned counsel for the Union Territory, Chandigarh submits that the accused never absented from the investigation. He joined investigation whenever asked by the Investigating Agency.

Learned counsel for the accused submits that challan has since been presented and the petitioner has been granted regular bail. Bail bonds have consequently been furnished by him.

From the aforementioned facts it is evident that with the passage of time petition for cancellation of anticipatory bail has been rendered infructuous. Admittedly, challan has been presented and the accused is on regular bail. The clock can not be turned back to cancel the relief already availed by him by virtue of orders passed by this Court.

Accordingly, the petition is dismissed.

(SUDHIR MITTAL)
JUDGE

22.08.2022

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No