

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

**CRM-M-54716-2019
Date of decision: 05.05.2022**

Som Dutt Kalia

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Cheema, Advocate
for the petitioner/complainant.

Mr. A. A. Pathak, Addl. A.G., Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for cancellation of anticipatory bail granted to respondent Nos. 2 and 3 by this Court in case FIR No. 90 dated 30.06.2019, registered under Sections 420, 380, 120-B of the IPC at Police Station Navi Baradari, District Jalandhar.

Learned counsel for the petitioner/complainant has drawn reference to the order dated 17.10.2019 passed by this Court in CRM-M-38475-2019, vide which accused persons/respondent Nos. 2 and 3 were granted the concession of anticipatory bail. The order reads as under:

“The petitioners are seeking anticipatory bail in FIR No. 90 dated 30.06.2019, under Sections 420, 380 and 120-B of the Indian Penal Code, 1860, registered at Police Station Navi Baradari, District Jalandhar.

Learned senior counsel appearing for the petitioners contends that petitioner No.1 is a Dental Surgeon and petitioner No.2 is her husband and they are based in United Kingdom. She had come to India after the demise of her father on 25.05.2019 to claim inheritance in the properties left behind by her father. He also contends that she has also filed a

civil suit on 27.06.2019 claiming her share in various properties of her father including her share in the hotel. The allegations in the complaint are that she had tried to forcibly enter into the hotel premises and taken away record and some money. He further contends that the FIR is a counter-blast to the civil suit preferred by her.

This Court, by the order dated 15.07.2019, had directed the petitioners to appear before the Investigating Officer and join the investigation and in the event of their arrest, they were ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Surjit Singh, states that although the petitioners have joined investigation but recovery of ₹11,43,000/- is to be effected.

Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner. He states that there is prima facie evidence for their involvement in the case.

At this stage, learned counsel for the petitioners contends that the petitioners are willing to furnish surety for a sum of ₹11,43,000/- without prejudice to their rights and contentions.

In view of the submissions of learned counsel for the petitioners and the petitioners having joined investigation, the order dated 15.07.2019 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

The petitioners shall furnish a surety for the aforementioned amount and they shall also not leave the country without prior permission of the Court.”

Learned counsel for the petitioner/complainant submits that while granting the concession of anticipatory bail to respondent Nos. 2 and

3, a condition was put by this Court that **the accused persons shall furnish a surety for the aforementioned amount (i.e. Rs. 11,43,000/-) and they shall also not leave the country without prior permission of the Court.**

It is further submitted that respondent Nos. 2 and 3 have left India on 14.11.2019 and 29.11.2019 and are residing in England. It is further submitted that no permission was taken by the accused persons either from this Court or from the trial Court before leaving country.

The aforesaid fact is not disputed by learned State counsel.

The service upon respondent Nos. 2 and 3 stands effected through email, as per office report.

After hearing learned counsel for the parties, considering the fact that respondent Nos. 2 and 3/accused persons have clearly violated the terms and conditions of the order dated 17.10.2019, granting them the concession of anticipatory bail, this Court has no option but to recall the said order.

Accordingly, the order dated 17.10.2019 passed in CRM-M-29475-2019 is hereby recalled.

The trial Court shall proceed against the surety(ies) for recovery of the amount.

05.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No