

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

CRM-M No.50448 of 2022
Date of decision: 12th May, 2023

Sunil Kumar @ Sunil Kumar Chopra

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Malkit S. Jandiala, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for respondents No.1 and 4/State.

Mr. Parvinder Singh, Advocate for respondents No.2 and 3.

MANJARI NEHRU KAUL, J.

The petitioner has approached this Court under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancelling the anticipatory bail granted to the private respondents vide order dated 26.07.2021 passed by learned Additional Sessions Judge, S.A.S. Nagar (Mohali) in case bearing FIR No.26 dated 10.06.2021 under Sections 420, 120-B IPC registered at Police Station NRI, District S.A.S. Nagar (Mohali).

Learned counsel appearing on behalf of the petitioner submits that the respondents had misused the extraordinary concession of anticipatory bail granted by the Court below, by breaching the conditions imposed upon them. He has submitted that a specific condition had been imposed at the time of the grant of anticipatory bail

to the private respondents that they would not leave the country without the prior permission of the Court. However, it was a matter of record that they had fled to Canada by flagrantly disobeying the orders of the Trial Court, and thus, the extraordinary concession of anticipatory bail granted to the respondents was liable to be cancelled. It has also been submitted that the respondents had not even complied with the conditions imposed on them at the time of the grant of anticipatory bail by the Court below that a copy of their Canadian passport would be deposited with the Court below within a week of the said order.

Per contra, learned counsel for the private respondents has, at the outset, apprised this Court that the petitioner has already approached the Court of learned Additional Sessions Judge, S.A.S. Nagar (Mohali) for the cancellation of anticipatory bail granted to them and the said application is still pending decision before the Court below. It has further been submitted that after the pre-arrest bail had been granted to the respondents, they had furnished regular bail bonds, which in turn had been accepted; hence, once the petitioner had not challenged the acceptance of the regular bail bonds, he could not now be allowed to seek cancellation of bail extended to the respondents.

I have heard learned counsel for the parties and perused the relevant material on record.

Admittedly, an application filed by the petitioner seeking cancellation of bail granted to the private respondents is still pending before the learned Additional Sessions Judge, S.A.S. Nagar (Mohali).

Therefore, this Court cannot delve into the merits of the submissions made by the learned counsel for the petitioner, much less accept his prayer. The instant petition accordingly, stands dismissed.

However, the Court of learned Additional Sessions Judge, before whom the application filed by the petitioner seeking cancellation of bail granted to the respondents is pending, is directed to make earnest efforts for the expeditious decision of the same in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

May 12, 2023
rps

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