

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211+102

CRM-M-32791-2023(O&M)
Date of Decision: 23.01.2024

HARJOT SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. P.S. Jammu, Advocate with
Mr. Karan Bansal, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Ms. Gagandeep Kaur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J. (ORAL)

CRM-3057-2024

1. The present application has been filed on behalf of respondent No.2 for placing on record Annexures R-1 to R-4.
2. For the reasons mentioned in the application, the same is allowed.
3. Annexures R-1 to R-4 are taken on record subject to all just exceptions.
4. Office to tag the same at appropriate place.

Main case

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 ("Code" for short) for grant of anticipatory bail to the petitioner in FIR No.43 dated 10.06.2023 registered under Sections 406, 498-A IPC at Police Station Daba, District Commissionerate, Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner had joined the investigation in pursuance to the order dated 20.07.2023 passed by the Coordinate Bench of this Court. He further contends that the petitioner and respondent No.2-complainant got married on 01.07.2020 and after their marriage, the complainant-respondent No.2 started harassing the petitioner-husband as well as his family members and even mother of the petitioner was turned out of the house. Respondent No.2-complainant had been continuously harassing the petitioner, as such, the petitioner was constrained to file a complaint against the complainant to Senior Superintendent of Police, Mohali on 27.07.2021.

3. Learned counsel for the petitioner submits that the present FIR had been got registered at the instance of the complainant as a counter blast to the abovesaid complaint submitted by the petitioner on 27.07.2021. He further submits that the petitioner had even joined the investigation in pursuance to the order dated 20.07.2023 passed by the Coordinate Bench of this Court and would further continue to adhere to the conditions laid down by this Court.

4. Learned State counsel has confirmed the fact that the petitioner had joined the investigation in pursuance to the order dated 20.07.2023 passed by the Coordinate Bench of this Court.

5. Learned counsel for respondent No.2 referring to photographs (Annexure R-4) contends that the petitioner left India and visited Dubai without obtaining permission of the trial Court. The petitioner had uploaded the said photographs on social media platform "Facebook".

6. The petitioner is present in the Court today and he has confirmed the fact the he had visited Dubai for an official trip w.e.f. 15.12.2023 to 24.12.2023 and had not obtained permission of the trial Court before going to Dubai.

7. Interim bail was granted to the petitioner vide order dated 20.07.2023 subject to the conditions laid down under Section 438 (2) of the Code. The relevant portion of the order dated 20.07.2023 reads as under:

“Adjourned to 22.11.2023.

Notice be also issued to respondent No.2 for the date fixed through ordinary process, *email* or any other electronic mode.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down under Section 438(2) Cr.P.C.”

8. Relevant portion of Section 438 (2) of the Code reads as under:-

“(i) xxxxx

(ii) xxxxx

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) xxxxx”

9. The order of interim bail was granted to the petitioner subject to the conditions laid down under Section 438 (2) of the Code, which includes that the petitioner shall not leave India without prior permission of the Court.

10. In view of the admission of the petitioner as well as keeping in view the photographs (Annexure R-4) which has been relied upon by the complainant, it is proved that the petitioner had left India without the permission of the Court, as such, he has violated the terms and conditions of the order dated 20.07.2023 passed by the Coordinate Bench of this Court.

11. In such circumstances, the petitioner is not entitled to the concession of anticipatory bail under Section 438 of the Code.

12. The present petition is dismissed.

13. Interim order dated 20.07.2023 granting interim bail to the petitioner stands vacated.

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14. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23.01.2024
P.Bhatt

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