

2024:PHHC:170988



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.103+255

CRM-M-53971-2024 (O&M)
Date of decision: 19.12.2024

Rajvir Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kulwinder Singh, Advocate, for the petitioners.

Mr. R.S. Thind, DAG, Punjab.

Mr. J.S. Sekhon, Advocate, for respondent No.2.

KIRTI SINGH, J. (Oral)

CRM-50599-2024

This application has been filed for placing on record the unconditional apology (Annexure R2/1) on behalf of respondent No.2.

Learned counsel for the applicant submits that the petitioner has business in Azerbaijan and Georgia and his wife is resident of Canada due to which, he went abroad. He was not aware of the conditions imposed upon him, which is his fault and is admitted by him and the petitioner prays that unconditional apology may be accepted and taken on record before this Court. He further submits that petitioner never intended to evade the process of law and as soon as, the factum of breach of condition came to his knowledge, he came back to India and furnished his bail bonds before the learned trial Court/Illaqa Magistrate.

The application is allowed as prayed for and Annexure R2/1 is taken on record subject to all just exceptions.

CRM-M-53971-2024

This petition under Section 439(2) Cr.P.C. has been filed for cancellation of anticipatory bail granted to respondent No.2 by this Court in CRM-M-48549-2023 titled as Jagjoir Singh Vs. State of Punjab vide orders dated 20.05.2024 & 10.07.2024 (Annexures P3 & P4) in case FIR No.49 dated 04.09.2023, under Sections 406 & 420 IPC and Section 24 of the Emigration Act, registered at Police Station Morinda, District Rupnagar.

Learned counsel for the petitioners submits that respondent No.2, after the grant of anticipatory bail visited a foreign country without taking prior permission from the trial Court and thereby has violated the terms and conditions imposed upon him while granting anticipatory bail and his bail should be cancelled on this account.

Per contra, learned counsel for respondent No.2 submits that a mistake has been committed by respondent No.2 and that he was unaware that prior permission is required to be taken from the trial Court. He came back to India as soon as this fact came to his knowledge, which reflects that the mistake/violation was without any *mala fide* intention. There is no allegation that respondent No.2 ever misused the concession of bail by tampering with the evidence. Learned counsel has also tendered unconditional apology on behalf of respondent No.2 (Annexure R/2-1) .

Heard.

Keeping in view the facts and circumstances of the present case and in view of the fact that respondent No.2 admits his mistake and that he has come back to India, as also has tendered an unconditional apology to show his *bona fide* conduct, this Court is of the considered view that no useful purpose would be served by cancelling the anticipatory bail already granted to respondent No.2. However, considering the fact that he did indeed

is hereby directed to deposit a cost of **Rs.40,000/-** with the **Poor Patient Welfare Fund, PGIMER Chandigarh** and **Rs.10,000/-** which is to be paid to the petitioner/complainant within a period of three weeks from today.

The petition stands dismissed in abovesiad terms.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.12.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No