

CRM-M-54663-2024

2025:PHHC:010232



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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

(204)

CRM-M-54663-2024 (O & M)
Date of Decision:-23.01.2025

Ravinder Pal

.....Petitioner.

Vs.

State of Punjab and anr.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Naveen Bawa, Advocate, for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Himmat Singh Deol, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition under Section 480 of BNSS is for the cancellation of anticipatory bail granted to respondent No.2 vide order dated 01.08.2023 (Annexure P-3) passed by this Court in CRM-M No.53954 of 2022 titled as 'Prem Singh versus State of Punjab' in FIR No.215 dated 31.10.2022 under Sections 409 and 473 IPC and Section 66 of the Punjab Police Act, 2007 registered at Police Station Dakha, Ludhiana.

2. The brief facts of the case are that an FIR No.215 dated 31.10.2022 under Sections 409 and 473 IPC and Section 66 of the Punjab Police Act, 2007, Police Station Dakha, District Ludhiana, came to be registered against respondent No.2-Prem Singh, Retired Inspector, Chamkaur Singh-Retired Inspector and Jagseer Singh son of Gian Chand.

3. After the registration of the FIR, the respondent No.2 sought the



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concession of anticipatory bail and was granted interim bail vide order dated 21.11.2022 (Annexure P-2). While being granted the said concession, he was directed to comply with the conditions envisaged under Section 438(2) Cr.P.C., one of which was that he was not to leave the country without permission of the Court and that he would have to surrender his passport. Subsequently, the interim order was made absolute vide order dated 01.08.2023 (Annexure P-3) with the rider that he was to abide by the conditions envisaged under Section 438(2) Cr.P.C.

4. The respondent No.2 did not deposit his passport and travelled abroad without taking prior permission of the Court. Therefore, the petitioner moved an application dated 20.09.2024 (Annexure P-4) seeking action against him. On the same day i.e. 20.09.2024, the respondent No.2 surrendered his passport before the Trial Court vide order dated (Annexure P-5).

5. Subsequently, a reply dated 27.09.2024 (Annexure P-8) was submitted to the application (Annexure P-4). The respondent No.2 stated that he had asked the Investigating Officer to take into possession his passport but was informed by the said officer orally that it would be surrendered before the Court when the challan would be presented and under this erroneous impression that the condition imposed by this Court would be applicable at the time of filing of challan, he had not surrendered his passport and had travelled abroad for which he was tendering his unconditional apology.

6. The application (Annexure P-4) moved by the petitioner was dismissed by the Court of the Judicial Magistrate Ist Class, Ludhiana vide order dated 01.10.2024 (Annexure P-9). It was held by that Court that the



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petitioner was at liberty to file a petition seeking cancellation of the bail granted by this Court.

7. It is in this situation that the instant petition has been filed seeking cancellation of anticipatory bail.

8. The learned counsel for the petitioner contends that the orders dated 21.11.2022 and 01.08.2023 (Annexure P-2 and P-3 respectively) were categorical to the effect that the respondent No.2 was to surrender his passport, if any and not travel abroad without permission of the Court. Despite the conditions imposed, the respondent No.2 did not surrender his passport and travelled abroad without seeking permission of the Court. Therefore, the bail granted to respondent No.2 vide order dated 01.08.2023 (Annexure P-3) ought to be cancelled.

9. The learned counsel for the State has filed a reply dated 22.01.2025 which is taken on record. While referring to the said reply, he contends that respondent No.2 had clearly violated the orders (Annexure P-2 and P-3 respectively) but had now surrendered his passport.

10. The learned counsel for the respondent No.2 has filed a reply dated 21.01.2025 which is taken on record. While referring to the said reply, he fairly admits that on account of misunderstanding of the impugned order, the answering respondent had not surrendered his passport and had travelled abroad for which he was tendering his unconditional apology. He had gone to Canada on account of the mental condition of his son on 26.06.2024 and had returned back to India on 01.08.2024, after which, he had surrendered his passport. He, therefore, contends that a lenient view be taken in the matter.

11. I have heard the learned counsel for the parties.



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12. A perusal of the orders dated 21.11.2022 (Annexure P-2) and 01.08.2023 (Annexure P-3) leaves no doubt whatsoever that the respondent No.2 was to surrender his passport and not travel abroad without the permission of the Court. Despite the passing of the said orders, he has violated the conditions imposed by firstly, not surrendering his passport and secondly, by travelling abroad. However, it is also pertinent to mention here that he had gone abroad only for a period of a little over one month, returned back and duly surrendered his passport on 20.09.2024. Thus, by the act and conduct of respondent No. 2 there has been no delay in the conclusion of the investigation or the consequential trial.

13. However, it is equally true that the orders dated 21.11.2022 and 01.08.2023 (Annexures P-2 and P-3 respectively) have been violated by the respondent No.2 who happens to be a retired police official and ought to have known the consequence of his actions. Therefore, while disposing of this petition, I deem it appropriate to direct the respondent No.2-Prem Singh, Retired Inspector to deposit a sum of Rs.50,000/- as costs with Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg, Sector 28-A, Chandigarh, 0172-4610311 within a period of 02 weeks from today, failing which, the order dated 01.08.2023 (Annexure P-3) shall stand recalled and bail granted to him would stand cancelled.

14. This petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

January 23, 2025

sukhpreet

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No