

CNR No.:CHCH01-006699-2023

BA No.:1450/2023.

Inderpreet Singh Jhelumi vs. State of UT & Zeeny Jhelumi

Present : Sh. Abhishek Sanghi & Harish Rikhari, Advocates, counsel for accused-applicant.
Sh. Manu Kukar, Public Prosecutor for respondent No.1-State.
Sh. Anuj Raura, Advocate, counsel for respondent No.2-complainant.

Report of learned trial court also received. Heard on the bail application U/s 438 Cr.PC and on the question of making interim anticipatory relief already granted to the applicant/accused an absolute one.

It has been reiterated and emphasized once again by the learned counsel for applicant/accused that he was appearing in the present case before trial court regularly. On 03.05.2023, when the case was fixed for recording statement of accused u/s 313 Cr.P.C., his counsel moved exemption application as he was unable to travel from Delhi due to his mental & physical state which was not well. The exemption application was allowed and the case was adjourned to 16.05.2023 on which date also he could not appear due to further deterioration of his health condition. Resultantly, his bail was canceled and warrant of arrest was issued and then the proclamation had been issued against him. He is very much willing to contest the complaint by facing proceedings of the trial. His absence before the learned trial court is neither intentional nor willful. His custody otherwise also was not required for any purpose whatsoever as he has been summoned by the trial court in a complaint case. Besides, by

then in compliance of the directions of this Court vide order dated 08.09.2023, he had been released on bail on surrender before the learned trial court on 18.09.2023. It was thus prayed that his interim anticipatory bail granted is liable to be made into an absolute one.

While opposing above contentions, it was contended by the learned counsel for the respondent no.2-complainant that although applicant-accused had surrendered before the learned trial court in compliance of the directions issued by this court at the 11th hour but his mischievous conduct is shown from the fact itself that he appeared only on the last date of time period given to him for that. He had been posting objectionable/inappropriate messages to the respondent-complainant, who is none else than his wife making fun of her. Looking at his mischievous conduct and actions, he hardly deserves for relief of anticipatory bail which is an extra-ordinary discretionary relief. He further contended that in view of the fact that he had absconded from the law & proceedings and proclamation had been issued against him, he does not deserve grant of anticipatory bail and his interim anticipatory bail already granted be not made absolute. No special case is thus made out in his favour for grant of concession of anticipatory bail to him.

Above submissions and contentions have been considered and examined. It is more or less apparent that custody of applicant/accused was not required in this case for any purpose. He had even surrendered before the learned trial court in compliance of the

directions of this court while granting him interim anticipatory bail relief. Report of learned trial court also received to the effect that the applicant-accused had surrendered before the court on 18.09.2023 and was admitted to bail.

The relief of anticipatory bail is an extraordinary discretionary relief which is granted in favour of accused only when a special case is made out in his favour. Keeping in view the above submitted facts and circumstances, a special case does exist. Accordingly, bail application is allowed and interim anticipatory bail order dated 08.09.2023 is made absolute in the same terms and conditions as enshrined u/s 438(2) Cr.P.C. This order of mine shall however not preclude the trial court from carrying out proceedings against applicant/accused U/s 446 Cr.P.C. if desired any.

My observations made here-in-above shall have no effect on merits of the case. File of this bail application be consigned to Record Room.

**Pronounced:
19.09.2023.**

**Arunvir Vashista,
Sessions Judge, Chandigarh.
UID No.:PB0050.**

Shiv Kumar

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Sh. Manu Kukar, Public Prosecutor for respondent No.1-
State.

Sh. Anuj Raura, Advocate, counsel for respondent No.2-
complainant.

Report of learned trial court received. Arguments heard.

Vide my separate detailed order of even date, the present bail application
is allowed and interim anticipatory bail order dated 08.09.2023 is made
absolute. File be consigned to Record Room.

**Pronounced:
19.09.2023.**

**Arunvir Vashista,
Sessions Judge, Chandigarh.
UID No.:PB0050.**

Shiv Kumar