

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).5 9 5 4 / 2 0 0 6

(From the judgement and order dated 1 6 / 1 1 / 2 0 0 6 in CRL M No. 7 1 4 8 7 / 2 0 0 6
of
The HIGH COUR T OF PUN J A B & HA R Y A N A AT CHAN DI G A R H)

ATUL BAN S A L TH R. F A T H E R & POA HOLD E R Petitioner(s)

VE R S U S

STA T E OF HA R Y A N A & AN R. Respondent(s)

(With appln(s) for stay and office report)

WI T H
SL P (Crl) NO. 9 of 2 0 0 7
(With appln(s) for ad- interim ex-parte stay and office report)

Date: 0 3 / 0 3 / 2 0 0 8 This Petition was called on for hearing today.

CORA M :
HON' B L E MR. JUS T I C E TA RUN CHAT T E R J E E
HON' B L E MR. JUS T I C E HA R J I T S I N G H B E D I

For Petitioner(s) Mr. L.N. Rao, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Nikhil Goel, Adv.
Mrs Sheela Goel, Adv.

For Respondent(s) Mr. U.U. Lalit, Sr. Adv.
Mr. Anupa m Lal Das, Adv.
Mr. Amit Shar m a , Adv.
Mr. Arunabh Chaudha ry, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Rajeev Gaur 'Naseem', Adv.
Mr. Rajesh Ranj an, Adv.
Mr.T.V.George, Adv.
(For the State of Haryan a)

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ontd... SL P (Crl) Nos.5 9 5 4 / 2 0 0 6 and 9/ 2 0 0 7 c

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UPON hearing counsel the Court made the following
OR D E R

SL P (C rl)No.5 9 5 4 / 2 0 0 6 is directed against an order dated
16 th
of November, 2 0 0 6 passed by a learned Judge of the High Court
of Punj ab and Haryan a at Chandigarh in Crimin al Misc. No.7 1 4 8 6 - M
of 2 0 0 6 by which the High Court had passed the following order:

"It appears that the police after investigation has
presented challan against the other accused as per
challan report. Challan against the present
petition was not presented as he is stated to have
not been arrested and is in England. Let counsel
for the petitioner check up whether the petitioner
even intends to come to this country and

surrender. He has been told that if he intends to come and surrender then he will be allowed anticipatory bail. Put up on 27.11.2006."

A perusal of the impugned order would clearly show that only a direction has been made by the High Court to check up whether the petitioner intended to come to this country and surrender and it was also directed that if the petitioner intended to come and surrender then he would be allowed anticipatory bail.

In our view, this special leave petition has now become infructuous. We are informed that the petitioner has already been granted anticipatory bail and also joined investigation. Accordingly, the special leave petition is disposed of as having become infructuous.

contd...3/-

SL P (Crl) Nos.5954 / 2006 and 9/ 2007 contd...

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As regards SL P (Crl)No. 9 / 2007 is concerned, we find that this special leave petition has been filed against an order dated 8th of December, 2006 passed by a learned Judge of the High Court of Punjab and Haryana at Chandigarh, which reads as under:

"Despite repeated opportunities, the petitioner has not come from England and put in appearance. No ground for continuing the interim order is made out. Dismissed."

It is this order which is challenged in this special leave petition.

Having heard the learned counsel for the parties and after going through the impugned order, we do not find any ground to interfere with the same, except that the interim order passed by this Court on 15th

of January, 2007 shall continue for a further period of 45 days from today. In the meanwhile, the application for stay of the criminal trial which has been filed before the High Court shall be decided by the High Court. Since admittedly husband is permanently residing in England, we request the High Court to decide the application for stay on merits in accordance with law within the aforesaid period of 45 days without granting any unnecessary adjournment to either of the parties. This Special Leave Petition is disposed of accordingly.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master