

DEEPAK CHAURASIA V/S STATE OF HARYANA

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Edward Augustine George, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Dharmendra Kumar Mishra, Advocate
Mr. Pratyush Yadav, Advocate and
Mr. Neeraj Deswal, Advocate
for respondent No.2.

The petitioner through instant petition under Section 482 of Code of Criminal Procedure, 1973, is seeking quashing of order dated 04.02.2023 (Annexure P-1) whereby the learned Additional Sessions Judge, Gurugram has declined the application of the petitioner seeking permanent exemption from personal appearance and further cancelled the bail bonds in FIR No. 147 dated 20.03.2015, under Section 67-B of IT Act, Sections 469/471/180/120-B of IPC and Section 23 of POCSO Act, registered at Police Station, Palam Vihar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner on account of his preoccupation i.e. interview of Chief Minister, Government of Uttar Pradesh could not appear before the trial Court and sought exemption, however, the trial Court vide impugned order dated 04.02.2022 has dismissed application and further cancelled bail bonds. The petitioner is well known personality in the electronic media and there is no possibility of flee from justice. He does not want to delay the trial, however, on account of preoccupation, sometime he is unable to attend the Court. He is ready to pay costs of Rs.2 lakhs for his non-appearance.

Notice of Motion.

On the asking of the Court, Ms. Dimple Jain, AAG, Haryana,

who is present in Court, accepts notice on behalf of respondent-State.

Mr. Dharmendra Kumar Mishra, Advocate puts in appearance on behalf of respondent No.2/complainant.

Learned counsel for the complainant submits that exemption to the petitioner would amount to luxury and the Court should not grant any luxury to the petitioner. He has intentionally delayed the trial. He is not ready to face trial. This Court should refrain from exercising power conferred by Section 482 of Cr.P.C. There are no exceptional circumstances to invoke power conferred by Section 482 Cr.P.C.

Learned State counsel submits that bail bonds of the petitioner was cancelled on the earlier occasion, thus, he does not deserve any leniency.

I have heard the arguments of learned counsel for the parties and scrutinized the record.

The petitioner, at present, is holding very senior position in a national news Channel. The petitioner is undertaking to pay a cost of Rs.2 lakhs on account of non-appearance and he has further submitted that he would appear before the trial Court on 03.03.2023 and furnish fresh bail bonds. The petitioner has further undertaken that he will not raise any grouse, if any adverse order is passed in his absence including framing of charges and recording of evidence.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

Keeping in mind:

1. The object of cancellation of bond or declaration of

anyone as proclaimed offender/person is to secure his presence;

2. The petitioner is working on senior position with a national news channel and there is no allegation of prosecution or complainant that there is possibility on the part of petitioner to flee from justice;
3. The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.2 lakhs;
4. The Petitioner is not involved in any other offence;
5. Trial is pending since 2015 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that petitioner be granted an opportunity to appear before trial Court to furnish fresh bail bond. Accordingly, petitioner is directed to appear before trial Court on or before 03.03.2023 and on his doing so, trial Court would release him on bail subject to furnishing of bail bonds and payment of costs of Rs. 2 lakhs, as agreed, to be deposited with the PGI, Poor Patient Welfare Fund, Chandigarh.

Adjourned to 10.03.2023.

(JAGMOHAN BANSAL)
JUDGE

21.02.2023
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