IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10165 of 2015 (O&M)
Date of Decision : 15.05.2015

Buta Singh .....Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. G.S. Sandhu, Advocate
for Mr. S.K. Chawla, Advocate
for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is made for grant of pre-arrest bail under Section 438 Cr.P.C. in Criminal Complaint No. 940 dated 21.10.2009 for offences under Sections 138 and 142 of the Negotiable Instruments Act, 1881, pending before the Judicial Magistrate, Ist Class, Faridkot.

There is no representation from the complainant despite service.

When the matter was listed on 30.03.2015, the following order was passed:-

"Learned counsel for the petitioner inter alia contends that the cheque amount was ₹ 83,047/-. It is further contended that the petitioner is prepared to deposit ₹ 1 lac for the time being.

Notice of motion for 15.05.2015.

It is directed that the petitioner may not be

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arrested provided he deposits ₹ 50,000/- by way of bank draft in the name of respondent-complainant before the trial Court within one week and on such deposit and appearance of the petitioner, he would be admitted to bail by the trial Court with a further condition that he would deposit another amount of ₹ 50,000/- within next 3 week. Failing to abide by any of the above conditions, the interim bail granted to him would stand automatically vacated."

Thereafter, again the matter was listed on 10.04.2015 and the petitioner sought extension of time for depositing the amount and this Court passed the following order:-

"*Prayer in the instant application filed under Section 482 Cr.P.C. is for extension of time for depositing the amount of ₹ 1 lac (in two installments i.e ₹ 50, 000/- each) in deference to the order dated 30.03.2015, passed by this Court.*

Learned counsel for the applicant-petitioner has explained the hardship faced by the petitioner in complying with the above-stated order. Learned counsel for the petitioner further submits that petitioner undertakes to deposit the whole amount of ₹ 1 lac before the trial Court by way of a demand draft in the name of respondent No. 2, before the next date.

Notice of the application to respondents for

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15.05.2015, the date already fixed.

In view of the above, arrest of the petitioner would now remain stayed subject to the above undertaking. It is, however, made clear that failing to comply with the aforesaid undertaking, the police authorities would be at liberty to arrest the petitioner who is a proclaimed offender.

The petitioner is also directed to file a compliance affidavit regarding deposit of aforesaid amount, before the next date."

Learned counsel for the petitioner submits that the petitioner has not been able to comply with the aforesaid condition.

In view of the above, the instant petition is dismissed and the stay of arrest of the petitioner would stand vacated.

May 15, 2015 **(R.P. NAGRATH)**
jk **JUDGE**

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