

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-11001 of 2015
Date of Decision:29.7.2015**

Pardeep Kumar

--Petitioner.

Vs.

State of Punjab and another

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. D.K.Bhatti, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

Mr. Sandeep K. Sharma, Advocate
for respondent No.2.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 4 dated 8.1.2015 registered under Sections 406/420/120-B IPC at Police Station Bhogpur, District Jalandhar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the State, on instructions from ASI Paramjit Singh, submits that in spite of repeated and specific directions having been issued by this court, petitioner did not

cooperate with the investigating agency. He submits that firstly, the petitioner is not coming forward to join the investigation but if on persistent efforts, petitioner would join the investigation, he would not cooperate with the investigating agency. Petitioner has been consistently misusing the concession of interim anticipatory bail granted by this Court, vide order dated 7.4.2015. He prays for dismissal of the present petition.

Faced with the above, learned counsel for the petitioner submits that although an undertaking was given by him, on behalf of the petitioner, before this court on 25.5.2015, that petitioner will bring an amount of Rs. 3 lacs in the name of respondent No.2, yet the petitioner failed to do so for the reasons beyond his control. He submits that in compliance of the order dated 13.7.2015 passed by this Court, petitioner has joined the investigation and has also brought an amount of Rs. 3 lacs by way of cheque in the name of respondent No.2 and the same may be accepted. He prays for allowing the present petition.

Learned counsel for respondent No.2 submits that earlier also, petitioner issued cheques twice but the same were dishonoured at both the occasions. This is the third time, petitioner is playing the same trick. Since a huge amount was taken by the petitioner and his co-accused from respondent No.2 and also in view of the conduct of the petitioner, as he has not been complying with the orders passed by this Court, he is not entitled for the concession of anticipatory bail. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after

Careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, noticed hereinabove, petitioner has not been found entitled for the concession of anticipatory bail.

It is so said, because the petitioner seems to be an incorrigible person. Neither he has shown any respect to the justice delivery system, nor he has been cooperating with the investigating agency. In fact, petitioner is taking the court for a ride. Every time, some new pretexts would be coined on behalf of the petitioner and specific undertakings given on behalf of the petitioner time and again, are also not honoured. Petitioner has been found glaringly misusing the concession of interim anticipatory bail granted by this court right from day one.

On 25.5.2015, following order was passed by this Court:-

Learned counsel for the petitioner submits that in compliance of the order dated 15.05.2015 passed by this Court, petitioner has joined the investigation and to show his bonafide, an amount of Rs.50,000/- has been brought by the petitioner, for handing over the same to learned counsel for respondent No.2. He further submits that so far as the remaining amount which comes to the share of the petitioner out of the total amount of Rs.7 lacs, will be brought by the petitioner by way of bank draft in the name of respondent No.2 i.e. an amount of Rs.3 lacs, on the next date of hearing.

The amount of Rs.50,000/- brought by the petitioner has been handed over to learned counsel

for respondent No.2 in the Court today.

List on 13.07.2015.

In the meantime, petitioner is directed to again join the investigation on 08.06.2015 at 10.00 AM. He shall bring the amount of Rs.3 lacs by way of bank draft in the name of respondent No.2 on the next date of hearing.

Interim order to continue.

When the abovesaid order was not complied with by the petitioner, he was granted one last and final opportunity, vide order on 13.7.2015 adjourning the case for today. Similar is the position today as well.

Order dated 13.7.2015 passed by this Court, reads as under:-

Learned counsel for the State submits that petitioner has not joined the investigation on 8.6.2015 and has also not brought the remaining amount in the Court as per the undertaking given by him.

In view of the above-said factual aspect of the matter, although the petitioner does not deserve any further indulgence of this Court, yet in the interest of justice, one last and final opportunity is granted to the petitioner to join the investigation on 15.7.2015 at 10.00 AM and he shall ensure the meticulous compliance of the order dated 25.5.2015 passed by this Court, before the next date of hearing.

List on 29.7.2015.

Interim order to continue.

In view of the above and without commenting upon the merits of the case, lest it should prejudice the rights of either of the parties, this Court is of the considered view that custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency, so as to conduct an effective investigation, because protected investigation is not bringing any fruit, despite best and sincere efforts having been made. No case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

29.7.2015
AK Sharma