

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

**Criminal Misc. No. M-24205 of 2015
Date of Decision: 20.10.2015**

Maheshwar Dwivedi

--Petitioner.

Vs.

State of Punjab and another

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sanjeev K. Virk, Advocate
for the petitioner.

Mr. P.S. Bajwa, DAG, Punjab.

Mr. P.K.Garg, Advocate
for respondent No.2.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 137 dated 12.6.2015 under Section 420 IPC, registered at Police Station Model Town, District Hoshiarpur.

Petitioner undertook to pay an amount of ₹1,20,000/- to the complainant and accordingly, petitioner was directed to pay the abovesaid amount by way of bank draft, while granting interim protection, vide order dated 10.8.2015. However, since the said amount was not paid by the petitioner to the complainant, he was granted another opportunity vide order dated 15.9.2015, adjourning the case for 8.10.2015.

When the case came up for hearing on 8.10.2015 and again petitioner was found to have not complied with the earlier orders passed by this Court, he was granted one more opportunity vide order dated 8.10.2015 and the same reads as under:-

“Learned counsel for the petitioner seeks one more opportunity for the petitioner to bring the bank draft for an amount of ₹1,20,000/- in the name of the complainant-respondent No.2 (Smt. Bimla Devi).

In view of the previous orders passed by this Court, although there is no justification in granting any further opportunity, yet in the interest of justice, one last and final opportunity is granted, subject to payment of Rs. 20,000/- as costs, which shall be paid by the petitioner to complainant-respondent No.2, on the next date of hearing.”

Learned counsel for the State, on instructions from H.C. Nanak Singh, submits that neither the petitioner has joined the investigation, nor he has paid any amount to the complainant in compliance of the orders passed by this Court. He further submits that petitioner has misconducted to such an extent that he has made himself totally disentitled for the discretionary relief of anticipatory bail, at the hands of this Court. He prays for dismissal of the present petition.

Faced with the above, learned counsel for the petitioner pleaded no instructions which also shows that petitioner is not a

bonafide litigant. Petitioner has been trying to misuse the process of court.

It is also a matter of record that neither the petitioner has paid the amount of ₹1,20,000/- to the complainant, nor he has joined the investigation.

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 will be a compulsive necessity of the investigating agency, so as to carry out an effective investigation. No case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

20.10.2015
AK Sharma