

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-1065 of 2016 (O&M)

Date of Decision: 16.05.2016

Deepak Kumar

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.S. Toor, Advocate for the petitioner.

Ms. Anmol Grewal, A.A.G., Punjab.

Mr. J.S. Bedi, Sr. Advocate with
Ms. Diya Sodhi, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.112 dated 10.10.2015 under sections 381, 406, 420, 120-B I.P.C registered at Police Station, Phase-11, S.A.S. Nagar.

On 30.3.2016, the following order was passed by this Court:-

“Broad allegations against the present petitioner is that he had misused his proximity and position of trust while serving as a driver with Lieutenant Commander Tarlochan Singh and had siphoned out a sum in excess of Rs.1 crore from the bank account of the senior officer.

It has gone uncontroverted that a sum of Rs.6 lac was made over to the counsel for the complainant. A sum of Rs.1 lac has also been furnished to the Investigating Officer of the case. A sum of Rs.3 lac has been paid to the counsel for the complainant in Court today.

Counsel appearing for the petitioner prays for concession of interim bail for a period of four weeks and undertakes that if such concession is granted, an additional sum of Rs.30 lac would be paid to the complainant.

In view of such undertaking having been furnished by Mr. S.S.Toor, Advocate, petitioner is granted interim bail for a period of four weeks starting from today.

Petitioner be released on interim bail subject to satisfaction of the trial Court.

Hearing in the present petition seeking benefit of regular bail is, accordingly, deferred to 10.05.2016.

It has been made clear to counsel for the petitioner that in case the undertaking furnished today is not fulfilled, the present petition would stand dismissed on the adjourned date.”

During the course of hearing today it stands conceded that the undertaking furnished to this Court on 30.3.2016 has not been fulfilled and the additional sum of Rs.30 lacs has not been paid to the complainant.

That apart, it may be noticed that the petitioner has misused the concession of interim bail granted to him. Interim bail was granted for a period of four weeks commencing w.e.f. 30.3.2016.

Apart from having not complied with the undertaking petitioner has chosen not to even surrender after the lapse of the stipulated period of four weeks for which interim bail had been granted.

In the light of such conduct of the petitioner, the prayer seeking regular bail is declined.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

16.05.2016

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