

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

CRM-M-1965 of 2015 (O&M)

Date of decision : 09.09.2016

Ranjit Kumar Bawa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Kulbir Singh.

Mr. Sapan Dhir, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking anticipatory bail in FIR No.1 dated 07.01.2015, registered under Section 406 of the Indian Penal Code, at Police Station NRI Moga, District Moga.

On 22.12.2015 following order was passed:-

“Learned counsel for the petitioner has submitted that the petitioner will prepare a draft qua the amount liable to be paid by him to the complainant and the same will be brought on the next date.

List again on 08.02.2016.”

Despite repeated opportunities granted to the petitioner the

aforesaid order has not been complied with and no amount has so far been deposited. Subsequently, the petitioner filed an application wherein it is averred that the statement made before this Court was beyond the instructions. Earlier also, on 21.01.2015, 05.02.2015 and 24.02.2015, statements were made seeking time to amicably settle the dispute. Accordingly, time sought was granted to the petitioner and the parties were directed to appear before Mediation and Conciliation Centre. All these efforts have gone futile since amicable settlement could not be reached. Subsequent to the making of the statements, an affidavit was filed by the learned counsel for the petitioner to assert that the learned counsel was never instructed to make the statement with regard to payment. The photocopy of the same is taken on record as Mark 'A'. However, in the light of the clear and categorical undertaking before this Court, this Court is not inclined to consider the subsequent documents.

Petitioner has repeatedly backtracked from his undertaking made before this Court and with the change of the counsel, he has tried to set up an altogether new case. This Court feels that conduct of the petitioner disentitles him from the relief sought.

Accordingly, the present petition is dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

09.09.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No