

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

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**CRM-M-25699-2016
Decided on 21.12.2016**

Nimmo

.....Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the petitioner.

Mr.Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (oral)

This is second petition under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 81 dated 23.06.2016 under Section 420 IPC at P.S Balachaur, District S.B.S. Nagar.

On 29.07.2016, the following order was passed:

Learned counsel states that the petitioner is ready to return the money within one month. However, I find that even as per the FIR the petitioner had earlier given an affidavit to return money in installments but he has not paid any money till date.

In my opinion, it would be in the interest of justice to implead the complainant-Harbhajan Kaur wife of Mohan Lal, resident of Allowal Balachaur, Shahid Bhagat Singh Nagar, Punjab as respondent No.2. Ordered accordingly. Registry is directed to make necessary corrections in the memo of parties.

Notice of motion.

On the asking of the Court, Ms. Amarjit Kaur Khurana, Addl.A.G, Punjab, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioner undertakes to supply a copy of the paper book to the learned Addl.A.G. during the course of the day.

Adjourned to 29.08.2016 for awaiting service upon respondent No.2.

In the meantime, let the petitioner appear before the Investigating Officer alongwith draft of Rs.1 lac in favour of the complainant and give it to the Investigating Officer and the Investigating Officer shall release him on interim bail subject to conditions as envisaged under Section 438(2) Cr.P.C.

On 04.10.2016, the following order was passed:

Learned counsel for the petitioner states that the petitioner could not arrange the money but would return the money with interest provided some installments may be given.

The complainant who is present in Court in person has stated that though she does not believe the petitioner yet if the petitioner is ready to make a firm commitment she would not oppose the grant of some more time.

Learned counsel for the petitioner has responded by saying that the petitioner will pay an amount of Rs.1 lakh on or before 27.10.2016, another amount of Rs.1 lakh on or before 30.11.2016 and another amount of Rs.70,000/- on or before 19.12.2016.

The complainant has accepted the aforesaid schedule.

In the circumstances, the matter is adjourned to 21.12.2016 with the clear understanding that in case this repayment schedule is not adhered to, the respondent No.2 would be entitled to file an application for cancellation of interim order.

Even on second call, no advocate has entered appearance on behalf of petitioner but one Lalita who claims to be the daughter of the petitioner has appeared and sought further adjournment and no payment has been made.

In view of the orders reproduced above it is clear that petitioner had obtained order of bail by making false undertaking and by over reaching the Court.

Petition stands dismissed and interim order is vacated.

December 21, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No