

Sr. No. 101

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

**CRM No. M-31777 of 2015 (O&M)
Date of Decision: 11.04.2016**

Gurbakshish Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. P.K.S.Phoolka, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

Mr. Amandeep Chhabra, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.140 dated 29.08.2015, under Section 420 of Indian Penal Code, registered at Police Station Civil Lines, Bathinda.

Allegations in a nutshell against the petitioner are that a residential house was sold to the complainant on which a loan was outstanding and such fact had been concealed.

On 19.02.2016, the following order was passed by this Court:-

"Counsel for the parties are ad idem that a settlement in the present case is possible.

Allegations in a nutshell are with regard to the accused/present petitioner having sold a residential

house to the complainant and on which a loan was outstanding and such fact having been concealed.

Counsel for the petitioner would submit that the property in question had been sold for a total sale consideration of approximately Rs.12 lacs and the accused/present petitioner is ready and willing to return the entire sale consideration along with interest. He further submits that the petitioner is ready and willing to return an amount of Rs.14 lacs which would be inclusive of the sale consideration amount as also interest.

Such offer is acceptable to learned counsel appearing for the complainant, who states that instructions from the complainant have been received in this regard.

List on 17.3.2016.

On the adjourned date, a demand draft for Rs.14 lacs in the name of the complainant would be furnished.

Interim protection to continue till the next date of hearing.

It is made clear that in case the demand draft for the requisite amount as indicated herein above is not furnished, the present petition would stand dismissed.”

Since the requisite demand draft of Rs.14 lac was not furnished and one last opportunity for two weeks' time was sought, the following order was passed by this Court on 17.03.2016:-

“Inspite of an undertaking having been furnished to this Court on the last date of hearing that a draft of Rs.14 lacs in the name of the complainant would be furnished towards full and final settlement, yet, the same has not been done.

Counsel for the petitioner states that by way of last opportunity two weeks' more time be granted for

furnishing the requisite demand draft of Rs.14 lacs.

Counsel appearing for the complainant very fairly does not oppose such prayer.

List on 11.4.2016.

To be shown in the urgent list.

Interim protection to continue till the next date of hearing.

It is made clear that, if, the requisite draft is not furnished on the adjourned date, the present petition seeking concession of pre-arrest bail, would be dismissed.”

Mr. P.K.S. Phoolka, learned counsel appearing for the petitioner would submit that he has no instructions in the matter and the petitioner has not established any contact.

Since the undertaking furnished by the petitioner repeatedly has not been honoured, petitioner is disentitled to get concession of pre-arrest bail.

Accordingly, the present petition is dismissed.

Needless to observe that the interim protection granted by this Court vide order dated 28.09.2015 would cease to operate.

11.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**