

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

(202)

CRM-M-37927-2015

Decided on: July 26, 2016.

Budhwanti

.... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ashok Kumar Khubbar, Advocate, for the petitioner.

Mr. C.S. Bakhshi, Addl. A.G., Haryana.

Mr. R.S. Saini, Advocate, for respondent No.2.

M.M.S. BEDI, J (ORAL)

Petitioner seeks cancellation of the anticipatory bail granted to respondent No.2.

Notice was issued to respondent No.2 to file reply. Counsel for respondent No.2 has expressed inability to file reply being not in contact with his client.

Learned State counsel informs that to the knowledge of the investigating officer no amount has been paid by respondent No.2 which was promised by the petitioner.

I have gone through the facts and circumstances of the case.

Respondent No.2-accused had received a sum of Rs.1,51,500/- from the petitioner as sale consideration of property which stood sold to third party. When respondent No.2 filed an application for pre-arrest bail, she was granted concession of pre-arrest bail by a Coordinate Bench of this Court on 17.07.2015 recording an undertaking of the counsel for respondent

No.2 that respondent No.2 will repay the amount received from the complainant.

Counsel appearing on behalf of respondent No.2 submits that since he does not have any communication with respondent No.2, he is not in a position to explain the alleged fault on the part of respondent No.2.

In view of said circumstances, order dated 17.07.2015 granting pre-arrest bail to respondent No.2, deserves to be cancelled. However, it has been informed by the investigating officer that respondent No.2 has been appearing before the trial Court and the next date of hearing before the trial Court is 26.08.2016.

This petition is disposed of with a direction that copy of this order cancelling pre-arrest bail of respondent No.2 will be communicated to respondent No.2 on the next date of hearing by the trial Court. In the interest of rules of natural justice, it is ordered that respondent No.2 will be entitled to a period of two months to comply with the undertaking made before this Court on 17.07.2015. In case, the amount is not repaid to the complainant-petitioner Budhwanti within said period of two months, the cancellation order will become operative two months after 26.08.2016 without prejudice to the right of respondent No.2 to seek concession of regular bail in accordance of law thereafter. After expiry of said period, it will be open to the trial Court to order respondent No.2 to be taken in custody on account of non-compliance of the condition of the bail.

(M.M.S. BEDI)
JUDGE

July 26, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No