

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

**CRM No.M-8841 of 2015 (O&M) &
CRM No.M-11128 of 2015 (O&M)
Date of Decision: 15.01.2016**

Shilpa Aggarwal & another

... Petitioners

Versus

State of Punjab & others

... Respondents

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

Present:- Ms. Arti Kaur, Advocate for
Mr. Sunil Chadha, Senior Advocate for the petitioners.
Ms. Anmol Grewal, AAG, Punjab.
....

TEJINDER SINGH DHINDSA.J.

This order shall decide CRM No.M-8841 of 2015 and CRM No.M-11128 of 2015 as in both these connected petitions, the petitioners are the same and seeking the concession of anticipatory bail. The complainants in both these cases however are different. Allegations however are similar in nature.

Earlier in point of time also both the petitions were taken up together for hearing. On 22.12.2015, a common order was passed and in the following terms:

“The matter had been taken up twice today. In the earlier part of the day counsel appearing for the petitioners had submitted that they can pay Rs.1,00,000/- after a month and had filed affidavit of one of the petitioner. The complainant is present in court. It is not acceptable to them. Copy of the affidavit has been given to him. The record shows that despite directions to join the investigation the petitioners did not join investigation for three months and when last opportunity was granted, an offer was made in September, 2015 and time was taken to see instructions whether the petitioners would compensate the complainant.

On the last date of hearing it has been stated by counsel

for the petitioners that they were not able to get in touch with the petitioners. Therefore, last opportunity had been granted for today for addressing arguments. Today after making complete submissions, it has now been stated by counsel on instructions of petitioner No.2, that they would pay half of the amount in the first week of January to each of the complainant. It has been informed by the complainant that there are more than dozen cases pending against the petitioners and it has been said that they were making offers in other courts but had not paid.

Let half of the amount be paid to each of the complainants on or before 07.01.2016. In case of failure, the petition would stand dismissed and the petitioners will have to surrender before the court concerned.

Adjourned to 07.01.2016.

Photocopy of this order be placed on file of the connected matter.”

Thereafter, on 07.01.2016, both the petitions were again taken up together and following order was passed:

“During the course of hearing in these two connected petitions, it clearly emerges that both the petitioners/accused have resiled from their earlier offer made before this Court and the requisite amount noticed in the order dated 22.12.2015 has not been paid. However, learned senior counsel appearing for the petitioners would submit that the petitioners are ready to make a payment of Rs.50,000/- in cash to each of the complainants in these two connected cases i.e. Mr. Satnam Singh and Mr. Amrik Singh. Counsel further undertakes that the next installment of Rs.50,000/- which would be furnished in Court within a period of one week from today.

The complainants, who are present in Court are agreeable to such an arrangement. Accordingly, a sum of Rs.50,000/- each has been handed over to both Mr. Satnam Singh and Mr. Amrik Singh today in Court.

List on 15.1.2016.

Interim order to continue till the next date of hearing.

It is clarified that a sum of Rs.1 lac in cash would be furnished by the petitioners on the adjourned date failing which the present petition would stand dismissed.

A copy of this order be placed on the connected case file.”

Learned counsel appearing for the petitioners would make a statement that the petitioners have informed her that they are not in a position to comply with the order dated 07.01.2016 passed by this Court and as such, would not be in a position to pay a sum of Rs.1 lac in cash i.e. Rs.50,000/- each to the complainants in these connected petitions.

The conduct of the petitioners is such that they are not entitled to the concession of anticipatory bail. On 22.12.2015, time had been granted to pay requisite sum of money within a stipulated time frame. Thereafter, on 07.01.2016, this Court had clearly noticed that the petitioners had resiled from their earlier offer made before this Court. Be that as it may, indulgence was shown and one more opportunity had been granted. Counsel has expressed inability on the part of the petitioners as regards their commitment to pay a sum of Rs.1 lac in cash that was made on the last date of hearing. Apparently, the petitioners have been playing a game of hide and seek just to continue with the umbrella of an interim protection as regards arrest that had been granted to them.

In view of the facts and circumstances noticed hereinabove, the petitioners are not held entitled to the concession of pre-arrest bail.

Both the petitions are dismissed.

15.01.2016

**(TEJINDER SINGH DHINDSA)
JUDGE**