

Sr. No.201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-16832 of 2016 (O&M)

Date of Decision: 13.02.2017

Rajiv Kumar

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Sarju Puri, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.27 dated 09.02.2016, under Sections 406, 420, 120-B IPC, registered at Police Station Nawanshahar City, District SBS Nagar.

Counsel for the parties have been heard.

FIR came to be registered at the instance of Tarsem Lal with the allegations that he has been duped a sum of Rs.3,45,000/- by the present petitioner as also co-accused Mahesh Chander Joshi on the pretext of sending his son abroad.

On 16.05.2016, while issuing notice of motion, interim protection was extended in favour of the petitioner subject to his joining investigation.

Even though petitioner is stated to have joined investigation yet this Court is not inclined to extend in his favour the concession of anticipatory bail.

On a previous date of hearing i.e. 11.11.2016, counsel appearing for the petitioner had admitted to a liability of Rs.1,10,000/- and had sought two months' time to make over such payment to the complainant. Accordingly, hearing was deferred to 12.01.2017.

On 12.01.2017, it was contended that the undertaking furnished to this Court on 11.11.2016 could not be fulfilled on account of a medical issue and as such extension of three weeks' time to make over payment of Rs.1,10,000/- was sought. This Court showing indulgence to the petitioner granted four weeks' time instead.

During the course of hearing today, Mr. Sarju Puri would submit that the admitted liability of Rs.1,10,000/- has not been made over to the complainant. A stand has been taken today that the petitioner is ready and willing to pay only Rs.25,000/- and the balance amount would be paid subsequently in point of time.

This Court is constrained to observe that the petitioner has been furnishing false and misleading assurances even to this Court to procure interim protection and to thereafter seek extensions of the same.

Looking towards the conduct of the petitioner which is not bonafide and coupled with the seriousness of the allegations of having misappropriated money on the pretext of sending son of the complainant abroad, this Court declines the prayer for anticipatory bail.

Petition dismissed.

13.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes