

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

CRM No. M-34904 of 2016 (O&M)

Date of Decision: 17.02.2017

Lakhwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. G.S. Nahel, Advocate for the petitioner.

Ms. Shivali, AAG, Punjab.

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TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.73, dated 27.05.2016, under Sections 420/120-B IPC, registered at Police Station Zira, District Ferozepur.

While issuing notice of motion, the following order was passed by this Court on 06.10.2016:

“This petition has been filed for grant of anticipatory bail in case FIR No.73 dated 27.05.2016 registered under Sections 420, 120-B IPC, at Police Station Zira, District Ferozepur.

The allegations are that the petitioner had sent the complainant to Fiji with the promise that he will get work there but the complainant did not get any work and he returned back.

It is the contention of the learned counsel that the petitioner was only the person who had introduced the complainant to the travel agent. However, in the FIR it is mentioned that at one stage the petitioner had given a cheque

of Rs.1,25,000/- to the complainant but that had been dishonoured. Learned counsel for the petitioner states that the cheque had been taken under police pressure and in fact the petitioner has not obtained any benefit from the complainant and as a matter of fact the complainant had gone to Fiji with his eyes open. Apart from that the learned counsel has argued that to show his bonafides the petitioner is ready to create a fixed deposit of Rs.1,25,000/- in the name of the Chief Judicial Magistrate, Ferozepur and that F.D. may be kept in the custody of the Court to be handed over to the party found entitled thereto at the conclusion of the case.

Notice of motion.

On the asking of the Court, Mr. B.S. Thind, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent.

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

Adjourned to 23.11.2016.

In the meantime, let the petitioner make the necessary deposit and report with the receipt thereof to the investigating officer. On his doing so, the investigating officer shall release him on interim bail subject to the conditions envisaged under Section 438(2) Cr.P.C.”

The undertaking furnished on behalf of the petitioner that he is ready to create a fixed deposit of Rs.1.25 lacs in the name of Chief Judicial Magistrate, Ferozepur and such FDR to be kept in custody of the Court and duly recorded in the notice of motion order was not complied with. Hearing in the present petition as such was deferred on more than one occasion.

On the last date of hearing i.e. on 23.01.2017, counsel appearing for the petitioner had sought more time to comply with the undertaking recorded in the notice of motion order dated 06.10.2016 passed

by this Court. Indulgence was shown and last opportunity was granted and the matter was adjourned to today.

Mr. G.S. Nahel, Advocate states that the petitioner has not complied with the undertaking.

In the light of the conduct of the petitioner and against the backdrop of the allegations levelled against him, this Court is not inclined to grant in his favour the concession of pre-arrest bail.

Petition is dismissed.

17.02.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |