

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

CRM No.M-35205 of 2017

Date of decision: 20.09.2017

Jai Singh Rajpurohit

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Cuccria, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

This is the second anticipatory bail application filed by the petitioner in FIR No.103 dated 18.06.2017 registered under Section 406 IPC at Police Station Sadar, Hoshiarpur.

While dismissing the first anticipatory bail application on 08.09.2017, the following order was passed:-

“This is a petition under Section 438 Cr. P.C. for grant of pre-arrest bail in FIR No. 103 dated 18.6.2017 (Annexure P-1) under Section 406 IPC, registered at Police Station Sadar, Hoshiarpur.

After arguing for some time, learned counsel for the petitioner, seeks permission to withdraw the present petition.

Dismissed as withdrawn.”

Counsel for the petitioner submits that though there are no change in the circumstances, however, certain facts were not brought to the notice of the Court. Counsel for the petitioner further submits that as per the allegations in the FIR, an amount of Rs.18,40,000/- was paid by the complainant to the petitioner out of which an amount of

Rs.9,50,000/- were transferred into the bank accounts of the petitioner on 03 different occasions while the remaining amount was paid in cash. Counsel for the petitioner states that after receiving the amount, the petitioner has delivered the consignment of rice which the complainant is denying. However, nothing has been placed on record to prove the said averments especially when the case was argued at length when the first bail application was filed and the same was dismissed as withdrawn. The same position is now in the present application as no grounds have come on record to entertain the second bail application. The perusal of the order of Additional Sessions Judge, Hoshiarpur dated 02.08.2017 show that on the complaint filed by the complainant, an enquiry was conducted by the Deputy Superintendent of Police, Hoshiarpur and during the enquiry, it was found that the petitioner/accused has not supplied 975 quintals of rice to the complainant as per the dealing and despite execution of the agreement, the petitioner/accused has failed to return the amount. Since a huge amount of Rs.18,40,000/- is involved, no ground for entertaining the second bail application is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

20.09.2017
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No