

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

CRM -M-37845 of 2016 (O&M)

Date of decision: 07.04.2017

Dev Priya Nilachal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Petitioner in person with
Mr. M.S. Bedi, Sr. Advocate with
Mr. Arnav Sood, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Complainant in person with
Mr. J.S. Lalli, Advocate for the complainant.

Mr. M.S. Sachdev Advocate.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 166 dated 31.10.2015, registered under Sections 406 and 420 of IPC, at Police Station Division No.7 Jalandhar, District Jalandhar.

The earlier bail petition under Section 439 Cr.P.C., filed by the petitioner was decided on the statement made by learned counsel appearing on behalf of the petitioner that the petitioner shall pay Rs. 20 lacs to the complainant within six months by way of demand drafts or direct deposit into his account. The petitioner after availing the benefit

of order dated 18.11.2016, approached Hon'ble the Supreme Court and laid a case that the statement made before this Court was beyond instructions. Accordingly, the order dated 18.11.2016 was set aside and this Court was directed to decide the matter on its merit.

Today again an affidavit has been filed by the petitioner vide which he again undertakes to pay the amount of Rs. 15 lakh in instalments as spelled out in Annexure A-1.

The petitioner present in Court tenders unconditional apology to learned counsel Sh. M.S. Sachdev, Advocate and apologize for what was projected before Hon'ble the Supreme Court.

The learned State counsel submits that the petitioner does not deserve any leniency.

The learned counsel for the complainant states that the petitioner is trying to buy time despite the fact that as against the admitted amount of Rs. 65 lakh, the complainant has agreed to settle the matter at Rs.20 lakh.

Heard.

Though the act of the petitioner in painting his counsel black and approaching Hon'ble the Supreme Court after availing the benefit of order passed in his favour is condemnable, however, the Court, as an expression of grace and keeping in view the interest of the complainant, is inclined to take a lenient view in the matter. At this stage, the learned senior counsel for the petitioner, on instructions

states that the petitioner is further ready to pay Rs. 3 lakh within a week from today.

Keeping in view the above, without advertng to the merits of the case, the present petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court. The petitioner shall make the payment in terms of Annexure A-1 and in the first instance Rs. 3 lakh is to be paid in terms of the statement made before this Court which shall be deducted from the last instalment. It is made clear that no further extension shall be granted and in case the payment is not made as per schedule, the complainant shall have the liberty to revive the present petition. The petitioner shall also surrender his passport, if any, held by him before the releasing Court and he shall not leave the country without written permission of this Court. Further, the petitioner shall also pay Rs. 50,000/- as costs to be paid to Welfare Fund of High Court Bar Association within six weeks from today, for his condemnable act and of creating a bad precedent of changing stance having potential to have sullied the fountain of justice and for wasting the precious time of Hon'ble the Supreme Court and this Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

07.04.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No