

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-21049 of 2018

Date of Decision: 25.07.2018

Vijay Kumar & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Puja Chopra, Advocate
for the petitioner(s).

Mr. Tanvir Joshi, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners in case FIR No.68 dated 03.04.2018 under Sections 406 and 420 IPC and Section 24 Immigration Act registered at Police Station Tanda, District Hoshiarpur.

On 17.05.2018, the petitioners had undertaken that they will pay the complainant's admissible dues within a period of 15 days. Accordingly, counsel for the petitioners has produced a bank draft for an amount of Rs.45,000/- in favour of the complainant – Kamaljit Kaur. She has stated this amount is being paid on behalf of Vijay Kumar, petitioner

no.1 and the remaining amount of Rs.45,000/- is to be paid by Vishal Sharma, petitioner no.2, but he is not responding to her phone calls.

The bank draft of Rs.45,000/- is given to learned State counsel who shall pass on to HC Amrik Singh to be handed over to the complainant Kamaljit Kaur.

Learned State counsel, on instructions from HC Amrik Singh, submits that despite the orders dated 17.05.2018 and 02.07.2018, the petitioners are not coming forward to join investigation.

I have heard learned counsel for the parties.

Since petitioner no.2 has neither joined investigation nor paid the amount due, as undertook by him, which is recorded in orders dated 17.05.2018 and 02.07.2018, this Court finds that petitioner no.2 does not deserve any relief from this Court. Accordingly, the present petition *qua* Vishal Sharma, petitioner no2, is hereby dismissed.

So far as this petition for grant of anticipatory bail to Vijay Kumar, petitioner no.1, is concerned, since he has paid an amount of Rs.45,000/- to the complainant, the present petition is allowed *qua* him and the interim order dated 17.05.2018 is made absolute. However, he shall continue to abide by the terms and conditions as laid down under Section 438(2) Cr.P.C.

July 25, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No