

**Sr. No.201
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No.M-7779 of 2017 (O&M)

Date of Decision: 19.07.2018

Jaspal Singh

...Petitioner

Versus

State of Punjab and another

... Respondents

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

Present:- Mr. Iqbal Mohd. Advocate,
for the petitioner.

Mr. T.P.S.Chawla, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been preferred under Section 439 (2) Cr.P.C. seeking cancellation of concession of bail that was granted by this Court in terms of order dated 18.01.2016 passed in CRM No.M-6887 of 2015 (Rajinder Kumar Vs. State of Punjab and another).

Brief facts are that on a complaint made by the present petitioner, FIR No.05 dated 22.01.2015, under Sections 406, 420 IPC was registered at Police Station Mullanpur Garibdass, District SAS Nagar, Mohali against accused Rajinder Kumar.

Accused filed a petition under Section 438 Cr.P.C. i.e. CRM No.M-6887 of 2015 seeking concession of pre arrest bail.

On 18.01.2016, this Court accepted the prayer made by the accused by taking notice of the fact that the parties had been referred to the Mediation and Conciliation Centre of this Court to

explore the chances of an amicable settlement and in pursuance thereof a compromise had been arrived at for a sum of Rs.2,80,000/- and that the accused had furnished a draft bearing No.541573 dated 18.09.2015 drawn on State Bank of India, Chandigarh Main Branch in the name of the complainant Jaspal Singh.

The instant petition seeking cancellation of bail has been filed on the premise that the validity period of the draft expired 03 months from the date of issuance of the draft itself and the accused having been called upon to get the draft revalidated, issued a cheque for the same very amount i.e. Rs.2,80,000/- and which upon presentation was dishonoured.

Notice was issued in the instant petition on 09.03.2017. Order sheet reveals that to secure presence of the accused bailable and non-bailable warrants had been issued. Even reports from the Chief Judicial Magistrate, SAS Nagar, Mohali had been called for and the same were placed on record. Perusal of the same would reveal that the accused has all through made an attempt to evade service.

Be that as it may, accused Rajinder Kumar is present in Court today.

He concedes that in lieu of draft of Rs.2,80,000/-, a cheque had been issued to the complainant Jaspal Singh but the same had been bounced. He has expressed his inability to make good the amount of Rs.2,80,000/- as per compromise and settlement facilitated by the Mediation and Conciliation Centre of

this Court.

The only submission raised by Rajinder Kumar is that he is at fault and seeks an opportunity and some time to make good the payment.

It clearly emerges that the accused/respondent having secured the concession of pre-arrest bail on the strength of a settlement, has resiled from the same thereafter. He has as such misused the concession granted to him by this Court. By repeatedly not appearing on the previous dates an attempt has been made to even hoodwink this Court.

The conduct of private respondent/accused Rajinder Kumar and as noticed hereinabove disentitles him from the concession of anticipatory bail.

Petition is allowed.

The concession of anticipatory bail granted by this Court vide order dated 18.01.2016 in ***CRM No.M-6887 of 2015 titled as Rajinder Kumar Vs. State of Punjab and another (Annexure P-3)*** is cancelled.

19.07.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
Yes