

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-40702-2018

Date of Decision:22.10.2019

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Ms. Riya Sharma, Advocate for
Mr. Vikas Bali, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Bhavna Kapur, Advocate,
for respondent No.2.

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 petitioner in FIR No.47 dated 04.08.2018 under Sections 406, 498-A IPC, registered at Police Station Dhilwan, District Kapurthala.

Vide order dated September 17, 2018, this Court had granted interim protection to the petitioner and while adjourning the case for 03.12.2018 had directed that in case the petitioner joins the investigation, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 sub Section 2 Clause (i)(ii) and (iii) of the Code of Criminal Procedure.

On December 03, 2018, counsel for the petitioner has informed

this Court that apart from the fact that petitioner has joined the investigation, talks of compromise are going on in the case.

However, learned State Counsel had informed this Court that the petitioner had joined the investigation, but he was not cooperating and had not handed over the gold articles.

Learned counsel for the petitioner had informed this Court that talks about the compromise are going on. Thereafter, the case was adjourned for 03.07.2019, when the counsel for the petitioner had sought time to seek instructions in the case as regards payment of maintenance. On 15.07.2019, maintenance amount was not paid and while adjourning the case for 31.07.2019, it was made clear that it will be the last opportunity to the petitioner to apprise the Court about the payment of maintenance. Accordingly on 27.09.2019, the petitioner was directed to remain present in the Court. She further states that she has no instructions in the case as the petitioner is not responding to her call.

In this manner, as directed by this Court vide order dated 27.09.2019, neither the petitioner present in the Court nor he has paid the maintenance amount despite an undertaking that he will clear the maintenance amount, the present petition is hereby dismissed for non-prosecution.

October 22, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No