

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46799 of 2018
Date of Decision: 17.12.2019

Manish Gupta

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arvind Kashyap, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Mr. D.S. Virk, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.179 dated 12.09.2018 registered for offences punishable under Sections 406 and 420 of Indian Penal Code, at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

Heard.

The question, which arises for consideration, is as whether discretionary power of this Court to grant anticipatory bail to be exercised in favour of a person, who misrepresents in Court to get the interim relief?

On 06.03.2019, learned counsel for the petitioner submitted that petitioner is ready to pay amount in question in some reasonable time. On his submission, the petitioner was allowed interim relief with direction to join investigation.

On the next date of hearing i.e. 19.07.2019, learned counsel for

the petitioner again submitted that the petitioner has given schedule for payment of outstanding amount but due to financial constraints he is not in a position to pay the same. In view of submission of learned counsel for the petitioner that the petitioner is ready to pay the outstanding amount within some reasonable time, order of interim bail was continued till 16.09.2019.

On 08.11.2019, order of interim bail was withdrawn as till that day petitioner had not paid any amount. This shows that the petitioner misrepresented before this court about his intention to settle the dispute by showing his readiness to pay the due amount in some reasonable time. After grant of interim bail on 06.03.2019, till that order was vacated on 08.11.2019, the petitioner has not paid even a single penny out of the disputed amount.

If a person misrepresents in the Court in order to seek interim relief, discretionary power of this Court is not required to be evoked to extend him the benefit of anticipatory bail.

Keeping in view above facts, I find no reason to allow this petition.

Dismissed.

December 17, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No