

CRM-M-27864-2019

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

**CRM-M-27864-2019
Date of decision-23.10.2019**

Dharampal

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek K.Thakur, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Ms. Amandeep Saini, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner-Dharampal has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.87 dated 03.08.2018 under Section 420 of Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Subhanpur, District Kapurthala. The petitioner is in judicial custody since his arrest on 29.05.2019.

On 09.07.2019, the following order was passed:-

Mr. Amandeep Soni, Advocate has today put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

The learned counsel for the petitioner submits that the matter has been compromised amongst the parties and in pursuance of the compromise an amount of Rs. 4 lacs

already stands paid and that another installment of Rs. 3 lacs was to be paid by 1.5.2019 but he could not pay the same and that the balance of Rs. 4 lacs out of the total amount of `11 lacs is to be paid in monthly installments of Rs. 20,000/- each.

While it has been admitted by counsel for complainant that some kind of compromise had been entered into amongst the parties but it has been categorically stated that till date only an amount of Rs. 4 lacs has been received.

The learned counsel for the petitioner has submitted that he shall positively make arrangement for paying another amount of Rs.3 lacs within a period of three months and has requested that he may be granted interim bail for three months so as to arrange for the aforesaid amount. The learned counsel for the complainant has no objection for the same.

In view of the aforestated position, the petitioner Dharampal is ordered to be released on interim bail till 15.10.2019 subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, made clear that in case the aforesaid payment is not made, the interim bail granted by this Court may be cancelled.

Adjourned to 30.9.2019.”

Interim bail was granted to the petitioner to enable him to make the payment to the complainant as undertaken by the petitioner. The said concession was extended till 15.10.2019. Lastly on 15.10.2019 the case was adjourned for 23.10.2019 on the request of learned counsel.

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Today, at the first call, it was apprised that petitioner is on his way to this Court for compliance of the order dated 09.07.2019 and for making the payment to the complainant and request for pass over of the case was made. Again the matter was taken up after the lunch break, however, learned counsel for the petitioner submits that the petitioner has not come. He does not dispute this fact that the order dated 09.07.2019 has not been complied with by him.

Considering the conduct of the petitioner, this Court does not find any reason to further adjourn the case and resultantly, petition is dismissed at this stage.

(MANOJ BAJAJ)
JUDGE

23.10.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No