IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

214) Crl. Misc. No.M-42364 of 2019 (O&M)
Date of Decision:15.11.2019

Sekul Khan …Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. D.S. Matya, Advocate, for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Shivoy Dhir, Advocate, for the complainant.

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Amol Rattan Singh, J. (Oral)

This case has been taken up out of turn on the request of the learned counsel for the parties.

On October 14, 2019, the following order had been passed:-

> "Upon this court not being inclined to grant interim bail to the petitioner unless he makes a payment of Rs.7,20,000/- to the complainant bank, alongwith interest thereupon, running from the date of withdrawal of the said amount, Mr. Matya submits that the petitioner may be granted interim bail to enable him to arrange for the said amount.
>
> Consequently, the petitioner shall be admitted to interim bail to the satisfaction of the trial court till the next date of hearing before this court, with him to pay Rs.7,20,000/- plus 6% interest to the complainant bank by the next date of hearing before this court, running from the date of withdrawal of the amount from the bank.
>
> The trial court will however ensure that the bail granted to the petitioner is secured with appropriate surety and attachment of property if necessary, if that court so considers necessary, because learned counsel for the complainant has expressed an apprehension that once the petitioner is released on interim bail, he may actually abscond.
>
> Adjourned to 06.11.2019."

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Thereafter, on 06.11.2019, it was recorded as follows:-

> "Today, counsel for the petitioner wishes to pay by way of a demand draft to counsel for the complainant, a sum of Rs.1 lac, with her seeking further time to comply with the terms of the aforesaid order.
>
> The petitioner is directed to be personally present in court on the next date of hearing.
>
> Adjourned to 08.11.2019..
>
> Since the demand draft does not even come near meeting the condition of bail granted, it has not been handed over to counsel for the complainant, with it made clear that if the petitioner does not appear, the interim order shall stand vacated."

On 08.11.2019, since the turn of the case did not come up till 4.00 p.m., the matter had been adjourned till today, with it made clear that if the matter was not argued today, the interim order would stand automatically vacated, with the petitioner also directed to come personally present in court.

Today, learned counsel for the parties have made a request that the matter be taken up immediately after lunch, with learned counsel for the petitioner submitting that the petitioner, upon answering his call, stated that he is not well.

Even if that contention of the petitioner is to be accepted at face value (which obviously it cannot be), the fact remains that the order dated 14.10.2019 has not been complied with, as not even the principal sum of Rs.7,20,000/- has not been paid to the 'complainant bank', i.e. the Axis Bank, as per the learned counsel appearing for the said respondent.

That being so, there would be no reason for the petitioner to continue to remain on the concession of interim bail.

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Consequently, this petition is dismissed, with the interim order dated 14.10.2019 vacated. The bail and surety bonds furnished by the petitioner before the trial court would stand forfeited to the State.

The petitioner would surrender before the jail authorities by 16.11.2019

Learned counsel for the petitioner would inform the petitioner that he would immediately surrender before the trial court by 16.11.2019. If he does not respond to the counsels' phone call, that shall not be used as an excuse for him to not surrender.

Consequently, if he does not surrender by tomorrow, the State would take measures to take him into custody.

15.11.2019 (**Amol Rattan Singh**)
vcgarg Judge

Whether speaking/reasoned: Yes
Whether reportable: No

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