

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

CRM-M-12956-2020 (O&M)
Date of decision : 04.08.2020

Tajinder Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Mr. Kapil Khanna, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No. 39 dated 22.02.2020, registered under Section 420 of the Indian Penal Code and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Model Town, Hoshiarpur.

Heard.

On 01.06.2020, this Court had passed the following order:

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Learned counsel for the petitioner states that as per

the previous oral proposition put up by the Court, his client is willing to return half of the amount of ₹3,60,000/-; whereas learned counsel representing the complainant Mr. Kapil Khanna, Advocate prays for an adjournment to get instructions if the complainant is willing to make settlement.

On request, adjourned to 18.06.2020.

On the next date of hearing i.e. 18.06.2020, learned counsel for the petitioner made specific undertaking to deposit 50% of the total amount within two weeks and remaining balance amount within four weeks thereafter.

On 18.06.2020, the following order was passed:-

On the last date of hearing, learned counsel for the petitioner had made an offer to return the half of the amount of Rs.3,60,000/-. The matter was adjourned for today to enable learned counsel for the complainant to seek instructions if the complainant was willing to make settlement.

Today, Mr. Kapil Khanna, Advocate for the respondent-complainant states that the complainant has no objection in case the entire amount is returned.

In view of the above, the arrest of the petitioner is stayed. This order is subject to the payment of 50% of the total amount of Rs.3,60,000/-. The said amount shall be paid by way of demand draft in the name of the complainant within two week from today. Failure to hand over the amount will automatically result in vacation of the stay order.

Learned counsel for the petitioner states that the petitioner also undertakes to deposit the balance amount within four months after adjusting Rs.35,000/- which has already been paid.

List on 6.7.2020.

On 06.07.2020, nothing was paid and learned counsel for the petitioner sought one last opportunity to comply with the order dated 18.06.2020. This Court granted the prayer and posted the matter for today i.e. 04.08.2020.

However, today also position is the same. Despite order dated 18.06.2020 whereby 50% of the total amount was directed to be paid, nothing has been paid.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition.

On the other hand, learned counsel for the complainant opposes the prayer made and submits that the petitioner had obtained the stay of his arrest by mis-representing before the Court that he is willing to return half of the amount of ₹3,60,000/-. However, he did not honour his commitment. His conduct shows that he has no respect for the law of the land.

Considering the fact that the petitioner has misused the order dated 18.06.2020 and not a single penny has been paid, therefore, no case for grant of bail is made out at this stage and same is dismissed with costs of Rs.15,000/- to be paid to the complainant towards the litigation charges.

In the circumstances, prayer of the learned counsel for the petitioner seeking permission for withdrawal of the instant petition is declined.

Dismissed.

04.08.2020
Jyoti-II

(JITENDRA CHAUHAN)
JUDGE

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