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

**CRM-M-13335 of 2020
Date of decision : 05.08.2020**

Mukesh Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Rajesh Rajput, Advocate for
Mr. Rajesh K. Dadwal, Advocate for the petitioner

Mr. A.A.Pathak, Addl. AG, Punjab

Mr. Mukesh Singla, Advocate for the complainant.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer made in the present Criminal Misc. is for granting anticipatory bail in the event of arrest in FIR No.310 dated 29.11.2019 registered under Section 420 and 406 IPC at Police Station, City Phagwara, District Kapurthala.

Vide order dated 1.6.2020, this Court while granting interim anticipatory bail passed the following relevant order:-

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Inter-alia contends that the petitioner was named with one Amarjit Singh and Rohan by the complainant Patwinder Kaur as the daughter of the said complainant Gurpreet Kaur had to be sent Cyprus and resultantly Rs.6,10,000/- have been received starting from February, 2017 but the FIR had been lodged on 29.11.2019 (Annexure P/2). It is submitted that the compromise was effected as

such on 5.11.2018 (Annexure P/1) and Amarjit Singh had agreed to pay Rs.3,45,000/- alongwith the petitioner in three installments whereas balance of Rs.1,35,000/- was to be paid by Rohan Shukla.

It is further submitted that the daughter of the complainant was sent to Cyprus on 7.5.2017 and from the Air Port itself she was deported after 48 hours. In pursuance of the compromise (Annexure P/1) a sum of Rs.1,35,000/- has been paid by Amarjit Singh on account of his share and the petitioner is willing to deposit Rs.1,72,500/- which is his share. It is further submitted that Amarjit Singh has not applied for bail as he is in custody in number of other cases and was the kingpin.

Notice of motion for 5.8.2020.

Mr. Gaurav Dhuriwala, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State and prays for time to seek instructions.

Notice be also issued to the complainant for the date fixed.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail by the investigating officer subject to depositing of Rs.1,72,500/- by way of Demand Draft in favour of the complainant. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438 (2) Cr.P.C.

It is made clear that if the Demand Draft of the said amount is not furnished by the petitioner, interim protection shall stand automatically vacated.”

Counsel for the petitioner submits that the said amount could not be deposited in view of the fact that he is not in a position to deposit the said amount due to Covid-19 Pandemic and prays for fixing of easy installments.

Mr. Singla, counsel for the complainant has opposed the extension of interim anticipatory bail as well as counsel for the State on the

ground that the petitioner has not joined the investigation.

The interim anticipatory bail was granted on account of the fact that the complainant could be compensated to some extent on account of being cheated at the hands of unscrupulous travel agents and their touts. However, the petitioner is apparently not willing to stand by the terms of the aforesaid order and seeks further to prolong the investigation of the case and also prevent his arrest. A period of two months have passed and not a single penny has been paid though an undertaking had been given by the counsel for the petitioner. In such circumstances, this Court does not feel that it is fit case where the interim anticipatory is liable to be confirmed.

Accordingly, interim order dated 1.6.2020 granting interim anticipatory bail is vacated.

The Criminal Misc. Petition stands dismissed accordingly.

05.08.2020
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(G.S. Sandhawalia)
Judge