

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

CRM-M-13327-2020 (O&M)

Date of decision: 24.11.2020

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kuldeep Singh Saini, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. S. S. Rangi, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

CRM-28609-2020

Allowed as prayed for.

Documents are taken on record as Annexures A-1 to A-19.

CRM-M-13327-2020 (O&M)

Prayer in this petition is for grant of anticipatory bail to petitioner in FIR No. 45 dated 12.02.2020, registered under Sections 406 and 498-A of the IPC at Police Station Sohana, District S.A.S. Nagar.

This petition is pending since long and the petitioner was granted concession of interim bail on 01.06.2020 with a condition that he will hand over the car along with its keys to the Investigating Officer within a period of one week from the date of passing the order and the same were to be further handed over to complainant along with other dowry articles.

On 11.09.2020, again the petitioner was granted time to return the aforesaid car with its keys as well as other dowry articles to Investigating Officer. Thereafter, on the adjourned date i.e. 21.09.2020, the Investigating Officer ASI Hardeep Singh raised an objection that the petitioner is neither cooperating in investigation nor has handed over the dowry articles and it was prayed that interim protection, granted to petitioner, may be vacated. Accordingly, the interim protection, granted to petitioner on 01.06.2020, was vacated on 21.09.2020.

Thereafter, the petitioner moved an application, bearing CRM-24030-2020, seeking recall of the order dated 21.09.2020 and for restoration of interim protection granted to petitioner on 01.06.2020. On 28.09.2020, the following order was passed in the said application:

“Prayer in this application is for recalling of the order dated 21.9.2020 vide which the interim protection granted to the petitioner on 1.6.2020 was vacated.

Counsel for the applicant/petitioner submits that the petitioner is still ready to explore further possibility of some amicable settlement.

Counsel for the applicant/petitioner further submits that petitioner has taken certain dowry articles to the Police Station which were not accepted by his father-in-law and undertakes that he will deposit an amount of Rs. 10 lacs in two installments with the Illaqua Magistrate/trial Court to be kept in the FDR, subject to final outcome of the case and without prejudice to the right of defence of the petitioner.

Notice of the application.

Learned State counsel, assisted by the counsel for the complainant, has, however, submitted that the applicant/petitioner has joined the investigation but is not

co-operating. It is submitted that though the car has been returned but the original Registration Certificate and the second key have not been handed over, which will create a problem to the complainant. It shows that the petitioner is playing a mischief with the complainant.

However, the counsel for the complainant is not averse to the offer made by counsel for the petitioner that the amount of Rs.10 lacs will be deposited with the Illaqua Magistrate/trial Court in two installments. List again on 24.11.2020.

In the meantime, the petitioner will hand over the original Registration Certificate/second key of the car to the Investigating Officer within a period of 15 days from today. The first installment of Rs.05 lacs will be deposited within a period of 30 days from today and the second installment of Rs. 05 lacs will be paid on or before the next date of hearing. The amount so deposited shall be kept in the form of FDR, subject to final outcome of the case and without any prejudice to the right of defence of the petitioner.

Till the next date of hearing, interim order dated 01.06.2020 is restored.”

Learned State counsel, assisted by learned counsel for the complainant, submits that the directions, contained in order dated 28.09.2020, have not been complied with by the petitioner and no amount has been deposited by him.

In reply, learned counsel for the petitioner further submits that as per documents (Annexures A-14 to A-16), the salary of the petitioner is Rs. 56,275/-, therefore, he is not in a position to deposit the amount in terms of order dated 28.09.2020.

After hearing learned counsel for the parties, without making

any comment on the merits of the case, considering the fact that despite taking repeated adjournments and giving undertaking before this Court, the petitioner is backing out of his stand and has not complied with the directions of this Court, the present petition is dismissed.

Criminal miscellaneous application(s), if any, shall also stand disposed of.

24.11.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No