

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22690-2020 (O&M)

Date of Decision : 20.8.2020

Ashok Kumar

....Petitioner

vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present :- Mr. Ashok Tobria, Advocate and
Mr. Vishal Satija, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

1. This second petition has been filed under Section 438 of the Cr.PC for seeking anticipatory bail in the even of arrest of petitioner in FIR No. 197/16, Dated 30.3.2016 under Sections 420/120-B of the IPC registered at police station Sector-5, Gurugram, Haryana.

2. In previous bail petition that is CRM-M-339-2018 which was dismissed on 27.3.2019 with the following order:-

“On 25.1.2019, the following order was passed :-

“ Today another amount of Rs.25,000/- has been handed over by the counsel for the petitioner to the counsel for the complainant.

Counsel for the complainant points out that an amount of Rs.2,66,678/- was duped to the complainant in May, 2015. Thereafter on 07.05.2018 counsel for the petitioner had stated that the petitioner was ready to make the payment and had agreed to make the payment of half the amount before the next date of hearing i.e. 30.07.2018. However, that half payment has been made up only today and the petitioner is paying the money back in dribblets.

Counsel for the petitioner states that the petitioner is not in a position to make lumpsum payment but he has no intention of evading his liability and is bound to make the payment and prays for 8 weeks' time

to make the full payment. It is made clear that keeping in view the delay the petitioner would also be liable to pay the interest.

Adjourned to 25.03.2019.”

On the last date of hearing none had entered appearance for the petitioner nor any payment was made. Today also none has appeared for the petitioner even on second call. In the circumstances, it is clear that the petitioner has been enjoying the interim order by making false statement/s.

Resultantly, this petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.”

Thereafter, it transpired that the petitioner was declared proclaimed offender in July 2019. Today, learned counsel for the petitioner states that he is ready to pay the entire amount along with interest to the complainant.

In my considered opinion the conduct of the petitioner disentitles him from concession of anticipatory bail.

Petition stands dismissed.

Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

20.8.2020
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No