

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

CRM-M-8348-2017

Date of decision: 10.02.2020

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Naresh Kumar, Advocate for
Mr. K. S. Dadwal, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. V. P. Arora, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 26 dated 03.03.2016, registered under Sections 406 and 420 of the IPC at Police Station Bassi Pathana, District Fatehgarh Sahib.

On 14.01.2020, the following order was passed:

“This petition is pending since 2017. Vide order dated 08.01.2018, the petitioner was granted the concession of interim anticipatory bail, as it was stated that he is ready and willing to make the payment to the complainant and will do so, by selling his properties. Thereafter, on 08.02.2018, the petitioner sought time, as he had neither joined the investigation nor paid Rs.8.00 lacs. On 19.02.2018, the petitioner had submitted a cheque of Rs.8.00 lacs in favour of the complainant and undertook that the same will be encashed on presentation

and the case was adjourned.

On 17.04.2018, it was noticed that the cheque of Rs.8.00 lacs was not encashed and it was further stated that the petitioner has entered into an agreement to sell his property for a sum of Rs.1.00 crore and the entire dues of the complainant would be cleared by the next date of hearing. The case was again adjourned, as the petitioner undertook to bring a demand draft of Rs.20.00 lacs on the next date of hearing. Thereafter, the petitioner has paid some amount in cash to the complainant and the case was adjourned number of times.

Vide order dated 01.05.2019, the case was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of some amicable settlement between the parties. The petitioner could not give chart before the Mediator, within how much time, he can make the payment and the case was referred back to the Court.

The case was again referred to the Mediation and Conciliation Centre on the joint request made by learned counsel for the petitioner.

As per allegations in the FIR, the petitioner has allegedly cheated the complainant for a sum of Rs.14.50 lacs and despite granting of several opportunities to him to settle the dispute, by paying the lump sum amount of Rs.20.00 lacs, he has not paid the entire amount.

Learned counsel for the complainant submits that only Rs.6.00 lacs have been paid, though the petitioner has sold some property and is having sufficient money to pay the amount, but he is not intentionally making the payment and is misusing the concession of interim anticipatory bail.

Learned State counsel, on instructions from ASI Kaur Singh, has also opposed the prayer for anticipatory bail.

List again on 10.02.2020.

To be shown in the urgent list.

It is made clear that if by the next date of hearing, the petitioner fail to make the payment, which he is assuring to the complainant and this Court, believing such assurance, is adjourning the case for the last two years, no further opportunity will be granted and this petition will be dismissed, if the payment is not made.”

As noticed above, while granting interim protection to the petitioner on 08.01.2018, it was observed that the petitioner has given an undertaking that he is ready and willing to make the payment to the complainant. In the said order itself, it is mentioned that in case the petitioner fails to comply with those directions and make payment of Rs. 8 Lakh to the complainant within a period of 15 days from the date of passing of order, the petition shall be dismissed. However, this Court, subsequently, has granted more than 15 opportunities to the petitioner to make the balance payment but the same has not been done so far.

Even today, no payment is made to the complainant.

In view of the above, this petition is dismissed.

10.02.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No