

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

201

CRM-M-4422-2021

Decided on : 10.11.2021

Jaswinder Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: None for the petitioner.

Mr. A. K. Kaundal, DAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 of the Criminal Procedure Code for grant of anticipatory bail to the petitioner in case FIR No. 143 dated 23.08.2020 under Sections 406, 420 of Indian Penal Code, 1860 registered at Police Station Chamkaur Sahib, District Rupnagar.

On 28.10.2021, a detailed order was passed by this Court after considering the concept of the petitioner. The said order is reproduced hereinbelow:-

“This is a first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.143 dated 23.08.2020 under Sections 406 and 420 of Indian Penal Code, registered at Police Station Chamkaur Sahib, District Rupnagar.

On 08.02.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 143, dated 23.8.2020, registered under Sections 406, 420 IPC, Police Station Chamkaur Sahib, District Rupnagar.

FIR was lodged on the complaint of one Lakhwinder Singh who stated that he has given Rs. 200000/- to petitioner on the promise that he would send son of complainant to Kuwait.

Learned counsel for petitioner states that relevant papers for sending son of complainant had been prepared. However, meanwhile, petitioner has got involved in a matrimonial dispute with his wife because of which the papers could not get processed. Petitioner is ready to return amount of Rs. 200000/- to complainant respondent No. 2 in installments.

With a view to show his bonafide, the petitioner would produce a draft of Rs. 50000/- in the name of complainant respondent No. 2 on next date of hearing.

Notice of motion.

Mr. R.S. Khaira, AAG Punjab accepts notice on behalf of respondent State.

Adjourned to 31.3.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.”

A perusal of the above would show that the petitioner had submitted that he is ready to return the entire amount of Rs.2,00,000/- to respondent No.2/complainant in installments and had stated that he would produce a draft of Rs.50,000/- on

the next date of hearing and accordingly, interim protection was granted to the petitioner on 26.08.2021. Learned counsel for the petitioner was directed to produce the receipt regarding the payment of Rs.50,000/- to the complainant.

On 15.11.2021, no one had appeared on behalf of the petitioner and similarly on 01.10.2021, no one had appeared on behalf of the petitioner nor produced any receipt showing the payment of Rs.50,000/-

Today, the matter has been called twice, however, none has put in an appearance on behalf of the petitioner. It is apparent that the petitioner has not complied with the orders of this Court and also apparently backtracked from his statement, on the basis of which interim order had been granted in favour of the petitioner.

In view of the above facts and circumstances, the interim order dated 08.02.2021 stands vacated.

Adjourned to 10.11.2021.”

A perusal of the said order would show that it had been noticed that the petitioner was ready to return the entire amount of Rs.2,00,000/- and had to produce a draft of Rs.50,000/- on the next date of hearing and accordingly interim bail was granted to the petitioner on 26.08.2021. On 15.09.2021 and also on 01.01.2021, no one appeared on behalf of the petitioner. Even on 28.10.2021, the matter was called twice, still no one had appeared and today also, the matter has been called twice but no one has appeared on behalf of the petitioner nor the receipt regarding payment of Rs.50,000/- to the complainant has been produced. It is, thus, apparent that the petitioner has not complied with the order of this Court and has back-tracked from his statement. Moreover, in the FIR, there are specific allegations against the petitioner of duping the

complainant on the pretext of sending him abroad.

Keeping in view the abovesaid facts and circumstances, the present petition for anticipatory bail is dismissed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

10th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No