

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

206

CRM-M-11871-2020

Date of decision : 15.12.2021

Paramjit Singh Bhatti

... Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present : Mr. Davinder Kumar, Advocate
for the petitioner.
Mr. Rana Harjasdeep Singh, D.A.G., Punjab.
Mr.Naveen Batra, Advocate for respondent No.2.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon Complaint No. 5034/2013, dated 25.05.2013, having been instituted, alleging therein the commission of an offence punishable under the provisions of Section 138 of the IPC.

Learned counsel for the petitioner having undertaken that the petitioner would pay a sum of Rs.5 lacs to the complainant-respondent No.2 within one month of November 01, 2021 (as recorded in the order of that date), he had been directed to surrender before the trial court within 10 days, and to be admitted to interim bail to the satisfaction of that court till the next date of hearing before this Court, which at that stage was 10.12.2021. Thereafter, CRM No.39409 of 2021 had been filed by the petitioner seeking that he may be given further time to comply with the order and with the date of hearing in this petition still not having come up, on 24.11.2021, such time was granted to him to surrender before the trial court by 06.12.2021 (and consequently therefore, to pay Rs.5 lacs to the complainant in terms of the earlier order).

On 10.12.2021, the following order was recorded by this Court:-

“xx xxx xx xxx xx

Today, learned counsel for the petitioner submits that though the petitioner has surrendered before the trial court and has been admitted to interim bail, he could not pay the amount of Rs. 5,00,000/- as had been agreed to be paid in terms of the order dated 01.11.2021.

Upon query to learned counsel for the complainant as to whether the petitioner should be allowed to remain on bail to least ensure that he appears before the trial court to face trial, failing which obviously the trial in the complainants' own case would get delayed, he submits that the petitioner would in any case eventually have to appear before the trial court with there being other criminal cases also registered against him.

However, he seeks time to take instructions. Adjourned to 15.12.2021.

Interim order to continue, till the next date of hearing”

Learned counsel for the complainant-respondent No.2 points to the order of the trial court dated 06.03.2020 (copy Annexure P-4) observing therein that the petitioner had been declared to be proclaimed offender vide an order dated 17.10.2014.

That being so with an undertaking having been given before this Court that Rs.5 lacs would be paid to the complainant-respondent No.2 and that not having been done, with the petitioner having been declared to be a proclaimed offender/person more than seven years ago, I see no reason to continue with this petition. Consequently, the petition is dismissed with the interim order dated 01.11.2021, vacated.

15.12.2021
sd

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No