

201

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

**CRM-M-12063-2020 (O&M)
Date of Decision: 09.02.2021**

Baljit Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. J.S. Moudgill, Advocate,
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

Mr. S.K. Virk, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed under Section 438 of the Code of Criminal Procedure by the petitioner, seeking anticipatory bail in case FIR No.2, dated 14.03.2020, under Sections 420 and 120-B of the IPC, registered at Police Station NRI, District Police Hoshiarpur.

2. Ld. Counsel for the complainant has sent up on WhatsApp Group a vernacular copy of the purported Compromise dated 06.12.2019 arrived at

between the petitioner and the complainant. Perusal of the same goes to show that the petitioner had actually compromised the matter with the complainant for an amount of Rs.19,50,000/-, which he agreed to pay by way of three installments.

3. In the opinion of this Court, the fact that the petitioner had agreed to make such payment to the complainant after intervention of various local respectable persons, who are also signatories to the aforesaid compromise, is in itself a tacit acknowledgment that the allegations levelled against him of having committed fraud/cheating upon the complainant with the abetment of his daughter Jasleen Kaur, who has since shifted to Canada, are not unfounded. But, the petitioner has not honoured even that part of the compromise, and has only paid an amount of Rs.9,50,000/- to the complainant.

4. On 30.09.2020, Ld. Counsel for the petitioner had sought time to get instructions whether his client is willing to pay the balance amount of Rs.10,00,000/-, but today, the submission is that he is not so willing, since no such compromise was effected "*before any Court*" and that the actual amount to be paid was Rs.9,50,000/- only, which was also specifically noted in the earlier order passed on 07.05.2020.

5. The submission has, however, been belied on perusal of the document of compromise, which would, therefore, make it clear that at this stage the petitioner is seeking to wriggle out of his own commitment.

6. The petitioner has, therefore, not approached this Court with clean hands and is, as such, not entitled to the extra ordinary relief of being released on anticipatory bail without custodial interrogation, particularly considering that co-accused Jasleen Kaur, who is his own daughter, has already managed

to slip away beyond the jurisdiction of the Indian Courts, as of now.

7. The present petition, along with the pending application, stands dismissed.

09.02.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No