

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

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CRM-M No. 16605 of 2021 (O&M)

Date of Decision: 22.07.2021

Parshotam Lal

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

Mr. Vineet Sehgal, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

CRM No.21427 of 2021

This is an application for withdrawal of the main
petition.

Main case

In the main petition, prayer is for grant of anticipatory
bail in case bearing FIR No.27 dated 20.03.2021 under Sections
406, 420 IPC and under Section 13 of Punjab Travel
Professional (Regulation) Act registered at Police Station City
Banga, District SBS Nagar.

On 30.04.2021, following order was passed:-

“CRM-11956-2021:

This is an application, under Section 482 Cr.P.C., seeking to place on record copy of the agreement dated 24.11.2020 (Annexure P-9), in compliance with the order dated 16.04.2021, passed by this Court.

Allowed as prayed for. Consequently, copy of the agreement dated 24.11.2020 (Annexure P-9) is taken on record.

CRM-M-16605-2021:

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No. 27, dated 20.03.2021, under Sections 406 and 420 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station City, Banga, District S.B.S. Nagar.

Per FIR allegations, petitioner, stated to be a travel agent, allured the complainant's son Ramandeep Chander to send him to Canada on work permit, allegedly in lieu of payment of Rs.18,50,000/-. However, upon payment thereof, petitioner neither kept his promise nor returned money despite agreeing to do so, vide written agreement dated 24.11.2020.

After arguments were heard for sometime, when this Court was disinclined to interfere, confronted with the situation, learned counsel for the petitioner seeks some time to settle the matter with the complainant.

Learned counsel for the complainant submits that he has no objection if the petitioner settles the matters and pays back the entire amount in question to him.

Adjourned to 22.07.2021.

Meanwhile, no coercive steps shall be taken against the petitioner qua the FIR in question, in order to enable him to settle the matter with the complainant, subject to payment of Rs. 4,00,000/- within three weeks from today and the balance amount shall be paid in three installments of Rs. 4,00,000/- each, in order to make a total payment of Rs.16,00,000/-. The aforesaid total payment is without prejudice to the rights of the complainant to recover the balance amount, if any. In case of default in payment, the interim protection granted by this Court shall stand vacated and the prosecution shall be at liberty to proceed in accordance with law.

April 30, 2021
Pk Kapoor

(ARUN MONGA)
JUDGE"

Perusal of the aforesaid order would show that when the Court was not inclined to interfere in the case and the petitioner was confronted with the situation, then learned counsel for the petitioner sought time to settle the matter with the complainant. There was no objection on behalf of the complainant for the settlement if the petitioner pays the entire amount to the complainant. Interim order was passed to the effect that no coercive steps shall be taken against the petitioner in order to enable him to settle the matter with the complainant, subject to payment of Rs.4 lacs within three weeks from 30.04.2021 and the balance amount was to be paid in three instalments of Rs.4 lacs each, in order to make a total payment

of Rs.16 lacs. It was also observed that the payment would be without prejudice to the right of the complainant to recover the balance amount (if any). In case of default, the interim protection would stand vacated. Petitioner did not do the needful within time, rather filed an application i.e. CRM No.14002 of 2021 for extension of time granted by this Court vide order dated 30.04.2021. Extension was sought for 08 weeks. The said application was drafted on 10.05.2021. The application came to be listed on 09.07.2021 and by that time, period of 08 weeks had already lapsed. The application was adjourned to 22.07.2021, i.e. today.

Now the present application i.e. CRM No.21427 of 2021 has been filed for withdrawal of the main case.

It appears that the petitioner had no intention to effect compromise and he got the interim protection without there being any real intention to effect compromise.

Having availed the concession of interim bail for more than 03 months, such a conduct on behalf of the petitioner now for withdrawal of the main case is liable to be deprecated in strong words. A person who has not come to the Court with clean hands deserves no sympathy.

In view of above, the main petition is dismissed with costs(s) of Rs.20,000/- to be deposited by the petitioner in Poor Patient Fund, PGI, Chandigarh.

Payment of cost(s) shall be the condition precedent for availing any other remedy by the petitioner in accordance with law.

22.07.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE