

Pardeep Kumar

.....Petitioner

Vs.

State of Hayana and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Prashant Bansal, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Mandhir Singh Virk , Advocate,
for the complainant/respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 28.04.2021, the following order had been passed by this court:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.98, dated 8.4.2021, having been registered at Police Station Partap Nagar, Yamuna Nagar, alleging therein the commission of offences punishable under Sections 406/420/506 of the IPC.

Learned counsel for the petitioner submits that the petitioner is even today willing to deliver the machine that was agreed to be delivered to the complainant. He contends that as a matter of fact the complainant did not have the remaining amount of approximately Rs.5.00 lakhs to pay the petitioner for delivery of the machine.

Whereas that is slightly difficult to believe, however, since on query of this court, learned counsel for the petitioner has also agreed that the petitioner would pay interest on the amount already paid to him by the complainant, if the complainant pays the remaining money immediately upon delivery of the machine, notice of motion is issued.

Mr. Neeraj Poswal, learned AAG, Haryana, accepts notice at the asking of the court.

A copy of the petition be e-mailed to him today itself by learned counsel for the petitioner.

The complainant in the FIR, i.e. Anupam Walia son of Shri Ashok Walia, resident of Village Khijrabad, District Yamuna Nagar (as taken from the FIR), is ordered to be impleaded as respondent no.2 in the petition. Notice be issued to him by normal process, as also through the SHO of Police Station Partap Nagar, Yamuna Nagar, returnable on 10.5.2021.

In the meanwhile, the petitioner is directed to join investigation within 5 days and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

If the police has information other than what has been contended by learned counsel for the petitioner hereinabove, a gazetted officer will file at least a short affidavit giving therein the details of such information.”

Thereafter, on 27.08.2021, Mr. Diwan Singh Adlakha, Advocate, had appeared for the complainant (respondent no.2) and had submitted that no compromise had been reduced into writing, with hearing in the petition therefore adjourned to 14.09.2021.

On that date the following order was passed by this court:-

“Case heard via video conferencing.

Though learned counsel for the parties are agreed that other than Rs.2,00,000/- paid back to the complainant by the petitioner, the remaining amount of Rs.4,10,000/- is still to be paid, learned counsel for the petitioner submits that an amount of Rs.2,00,000/- shall be paid by 30.09.2021 with the remaining amount of Rs.2,10,000/- paid within the next 1½ months thereafter.

Adjourned to 06.10.2021 to determine as to whether the petitioner has honoured the undertaking given to this court even as regards the first installment, or not.

Interim order to continue till that date only and specifically.”

On 06.10.2021, learned counsel for the petitioner had sought further time of two weeks to make a payment of Rs.2 lakhs to the complainant, with him in fact again undertaking that he would (thereafter) pay the remaining amount of Rs.2.10 lakhs by the end of November, 2021.

On 25.10.2021 hearing in the matter had been adjourned till today to determine as to whether an amount of Rs.1 lakh as was alleged to have been deposited by the petitioner in the account of the complainant, actually stood credited to his account.

Today, Mr. Mandhir Singh Virk, Advocate, appears for respondent no.2 and submits that no such amount has been still deposited.

That being so, this petition is dismissed with the interim orders passed earlier hereby vacated.

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[It has been pointed out by the Reader of this court that in the order dated 25.10.2021 (passed in CRM-M-36750-2021), erroneously it had been recorded by this court that the reply filed on behalf of the respondent

State, dated 22.10.2021, be taken on record; whereas actually, inadvertently, that was a reply filed to CRM-M-36750-2021, which has nothing to do with CRM-M-17710-2021 and was incorrectly tagged with the case file of this petition by the Registry.

Consequently, the said reply be tagged with the appropriate petition and would obviously not be taken on record in the context of CRM-M-36750-2021.]

October 29, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO