

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-13823-2021 in/and
CRM-M-17770-2021
Date of Decision: 08.07.2021

GURCHAND

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Sandeep Singh Jattan, Advocate for the applicant-petitioner
Mr.Aman Bahri, Additional Advocate General, Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No.270 dated 28.10.2020 registered
under Sections 385, 403, 405, 406, 407, 415, 420, 425, 506 IPC at Police
Station Chhappar, District Yamuna Nagar.

For the relief claimed in the present petition the petitioner had
earlier approached this Court through CRM-M-9388-2021 – Gurchand vs.
State of Haryana which petition of his was dismissed on 06.04.2021 through
the following order:-

“The arguments raised on behalf of the petitioner
having not received a favourable response from the Bench and
not to invite a decision on merits lest it may prejudice the case
of the petitioner at a later stage, learned counsel for the
petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

After passing of the afore quoted order the petitioner filed the

instant petition and since the allegations against the petitioner were with regard to having committed fraud for an amount of about Rs.7 lakhs, on submission made before this Court that the petitioner shall deposit the aforesaid amount of Rs.7 lakhs before the Trial Court to be disbursed to the complainant – finance company, this Court issued notice and stayed the petitioner's arrest.

Thereafter the petitioner moved an application to implead the complainant and when such application came up for hearing, on a query put by the Court with regard to the deposit of Rs.7 lakhs by the petitioner, the answer came in the negative. Taking a lenient view in the matter the petitioner was granted another opportunity to make the deposit. However, the needful was not done.

Since notice in the petitioner's second petition for anticipatory bail was issued on the undertaking given by the petitioner that he would deposit Rs.7 lakhs, which even after the passage of nearly three months remain undeposited, it is safe to presume that the petitioner has no intention to abide by the undertaking given before this Court. Such conduct of the petitioner is not appreciated.

In the light of the afore discussion date of the hearing of the main case is preponed from 19.07.2021 to today and after taking the matter on board the same is dismissed.

No costs.

08.07.2021

gk

(Deepak Sibal)

Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No