
Gagandeep Singh and another v. State of Punjab

Present: Mr. Amit Choudhary, Advocate,
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Case heard via video conferencing.

On June 28, 2021 the following order had been passed in this
case:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' upon FIR no.41, dated 01.03.2019, having been registered at Police Station Bhawanigarh, District Sangrur, alleging therein the commission of offences punishable under Sections 120-B and 420 of the IPC (Sections 465, 467, 468 and 471 of the IPC added later).

Learned counsel for the petitioners submits that the bank account of the petitioners was misused by the prime accused, Nirbhai Singh, who in fact admitted on affidavit to the complainant (copy Annexure P-2) that he had utilized that amount and that he was handing over two cheques amounting to Rs.3,00,000/- each to the complainant on account of the money paid by them.

Notice of motion.

Mr. Sidakmeet Sandhu, learned AAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State and submits that as per his instructions the petitioners' account was used for payment to Nirbhai Singh and to all co-accused.

Simply to determine as to whether any money has actually been returned to the complainant, notice be issued to Gurpreet Singh son of Gurjant Singh, resident of village Gharachon, Tehsil

and District Sangrur (as taken from the FIR itself).

In addition to normal process, the notice be also served upon the complainant through the SHO, Police Station Bhawanigarh, District Sangrur.

It is made clear that there is no interim order operating in the petitioners' favour at this stage.

Adjourned to 08.07.2021.”

Thereafter on July 08, 2021 the following order had been passed:-

“Case heard via video conference.

Though vide an order dated 28.06.2021, notice was ordered to be issued to the complainant in the FIR, i.e. Gurpreet Singh, through normal process as also through the SHO, Police Station, Bhawanigarh, the report of the Registry is that even process fee was not paid by the petitioner.

On his request, adjourned to 22.07.2021.

Notice be now issued to the complainant upon filing of process fee, returnable on the said date.

The Registry is directed to implead the said complainant, i.e. Gurpreet Singh, as respondent no.2 in the petition by carrying out the necessary correction in the memo of parties.

It is made clear that at this stage there is no interim order operating in favour of the petitioner.”

Today again learned counsel for the petitioners submit at the outset that the process fee was not filed, though he submits that it was entirely his fault.

Whether it was his fault or whether it is just a 'tactic' to protect the petitioner, is not being commented upon by this court, but with an interim order having been passed in favour of the petitioner more than three

weeks ago and the process fee still not having been filed despite another opportunity having been given earlier, I see no reason to entertain this petition, which is consequently dismissed on that ground alone.

It is made clear that this court has not made any observation on the merits of the case.

July 22, 2021
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(AMOL RATTAN SINGH)
JUDGE