

201

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

CRM-M-18089-2019

Date of Decision:02.09.2021

KANWALJIT KAUR

.....**Petitioner**

Vs

STATE OF PUNJAB AND ANR

.....**Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Amar Ashok Pathak, Addl A.G, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in complaint under Section 138 of Negotiable Instrument Act pending in the Court of J.M.I.C, Amritsar.

Notice of motion was issued on 24.04.2019. On 26.04.2019, interim bail was granted to the petitioner in view of status of the case. Thereafter on 30.04.2019, learned counsel for the petitioner appeared and stated that out of total cheque amount of Rs.11,50,000/-, the petitioner has already returned an amount of Rs.5,50,000/- to the complainant. He further submitted that remaining amount of Rs.6 lacs would be refunded within a period of three months from that day. Interim

bail was extended accordingly. None appeared on 06.08.2019, 09.08.2019 and 26.09.2019. Following order was passed by the Co-ordinate Bench on 26.09.2019:-

“Notice of motion having been issued in this petition on 24.04.2019 in the absence of the learned counsel for the petitioner, thereafter, on 26.04.2019, an order was passed with ASI Manjeet Singh present on behalf of the respondent-State, but neither the petitioner nor her counsel were again present, with it directed that if the petitioner was arrested, she would be released on interim bail to the satisfaction of the trial Court.

Thereafter, on 30.04.2019, learned counsel for the petitioner had appeared and the following order has been passed:-

“Contends, on instructions from the petitioner, who is present in the Court, that out of the total cheque amount of Rs.11,50,000/-, petitioner has already returned an amount of Rs.5,50,000/- to the complainant – respondent no.2 before the learned trial Court. Further submits that the remaining amount of Rs.6,00,000/- will be refunded within a period of three months from today.

Adjourned to 06.08.2019.

In the meanwhile, the petitioner is directed to appear before the learned trial Court and in case moves an application for bail; she would be released on interim bail till the next date of hearing on her furnishing adequate bail and surety bonds to its satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

On 06.08.2019 and 09.08.2019, none was present for either parties (seemingly because the bar was abstaining from work during that period).

Today none is present for the petitioner seemingly because the turn of the case has come up well after 4:00 p.m., though the report of the Registry is to the effect that notice issued to the complainant, i.e. respondent No.2 has not been received back, either served or otherwise.

Adjourned to 30.09.2019.

To be shown at Sr. No.102 in the urgent list.

September 26, 2019

(AMOL RATTAN SINGH)

Ankur

JUDGE"

Thereafter, on the adjourned date i.e. 30.09.2019, an application came to be listed for extension of the interim bail as the same was granted till 30.04.2019. The application was allowed and interim bail was extended till 11.12.2019. On 11.12.2019, the interim order dated 30.04.2019 was extended till 04.03.2020. On 04.03.2020, learned counsel for the petitioner stated that the petitioner is not in a position to acknowledge the deposit of Rs.6 lacs, which was assured to be deposited within a period of three months in terms of order dated 30.04.2019. Learned counsel prayed for 7 days time to get instructions in that regard. The case was adjourned to 19.03.2020 and interim order was made to continue till then. Thereafter, the case was adjourned due to COVID-19 pandemic and ultimately, it was taken up on 26.07.2021.

Learned counsel for the petitioner appeared on that day through video conferencing and submitted that he was not well. The case was adjourned for today with interim order to continue.

Today, learned counsel for the petitioner submits that the petitioner could not arrange funds for deposit of amount of Rs.6 lacs as agreed by her on 30.04.2019. Learned counsel prays for more time.

In view of facts on record, I do not find any justification to adjourn the case further as the petitioner has already availed sufficient time to make good the amount as agreed by her on 30.04.2019. It appears that the petitioner never intended to make good the amount of Rs.6 lacs after 30.04.2019 and kept on seeking extension of interim order till date.

There is no ground to extend the time further as prayed, however, in case the petitioner pays the amount in question to the complainant within 10 days from today to the entire satisfaction of the complainant, then she would be at liberty to make appropriate application in the present case. For the aforesaid reasons, no interference is called for at this stage.

Dismissed.

02.09.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No