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

CRM-M No. 24185 of 2020
Date of Decision: 17.02.2021

Dinesh Kumar

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Khehar, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G., Haryana.

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 case bearing FIR No.180 dated 28.07.2020 under Sections 407, 420 IPC registered at Police Station Chhachhrauli, District Yamunanagar (Haryana).

Notice of motion was issued on 25.08.2020. Thereafter, on 14.09.2020, learned counsel for the petitioner on instructions stated before the Court that 22671.70 quintals of rice along with penalty, which may be imposed by the Department as well as 29449 jute bags, 662 wooden crates and 74 covers shall

be returned to HAFED within a period of four weeks. Petitioner was willing to file an undertaking to that effect on affidavit. The case was adjourned to 18.09.2020. The affidavit of the petitioner was directed to be filed in the Registry.

Thereafter, the case was taken up on 18.09.2020 and following order was passed:-

“Case is taken up for hearing through video conferencing.

CRM-23514-2020

This is an application for placing on record the undertaking by way of affidavit of the petitioner in compliance of the order dated 14.9.2020.

The application is allowed as prayed for. The undertaking by way of affidavit dated 15.9.2020 is taken on record.

CRM-M-24185-2020

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 180 dated 28.7.2020 under Sections 407, 420 IPC registered at Police Station Chhachhrauli, District Yamunanagar.

Learned counsel for the petitioner has not disputed the entrustment of paddy to him and has also pointed out that some of the shell rice have also been returned to the Department.

Vide order dated 14.9.2020, the petitioner was directed to file an undertaking by way of an affidavit to the effect that he will return the rice along with penalty imposed by the Department, 29449 jute bags, 662 wooden crates and 74 covers to the HAFED.

In compliance to the said order, the petitioner has filed the undertaking by way of affidavit dated 15.9.2020.

Learned State counsel submits that if the petitioner undertakes to settle the dispute with the Department within one month, only then the

concession of bail may be granted to him. Keeping in view the undertaking given by the petitioner by way of affidavit dated 15.9.2020, he is directed to resolve the dispute by paying the settled amount along with other items to the Department within one month.

Adjourned to 02.11.2020.

Meanwhile, petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if the Department is not satisfied with the offer or undertaking given by the petitioner, the interim order shall be vacated.

(HARNARESH SINGH GILL)
JUDGE

September 18, 2020

Gurpreet

On 02.11.2020, learned counsel for the petitioner submitted that the petitioner could not honour the commitment as given by way of undertaking. In view of undertaking given by the petitioner, he was directed to resolve the dispute by paying the settled amount along with other items within a specified period of one month. It was specifically made clear that if the Department is not satisfied with the offer given by the petitioner, the interim order shall be vacated.

In view of reluctance on behalf of the petitioner to honour the commitment, the interim order dated 18.09.2020 was vacated on 02.11.2020.

Evidently, it is a case of dis-honouring the commitment/undertaking furnished by the petitioner in the High Court.

Since, interim order dated 18.09.2020 stands vacated, therefore, owing to the conduct of the petitioner, I do not wish to grant any indulgence to the petitioner under Section 438 Cr.P.C.

Dismissed.

17.02.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |