

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

201

CRM-M-33202-2019

Decided on : 05.10.2021

H. B. Shiva Ram

. . . Petitioner

Versus

Dr. Ramesh Chand Bansal and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

Mr. Ritesh Aggarwal, Advocate
for respondent No. 1.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail in complaint No. 17 dated 18.05.2013 (Annexure P-1) titled as 'Dr. Ramesh Chand Bansal Versus Shiva Raman' under Sections 420, 406 and 506 of Indian Penal Code, 1860, registered at Police Station Sadar Patiala.

When this matter came up before a Coordinate Bench of this Court on 17.08.2019, the following order was passed:-

"The petitioner is seeking anticipatory bail in complaint No.17 dated 18.05.2013, under Sections 420, 406 and 506 IPC, registered at Police Station Sadar Patiala.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he had taken money for getting the daughter of the complainant admitted in MBBS in Adichunchanagiri Institute of Medical Science, Bangalore. The petitioner had been granted anticipatory bail by the trial Court as the petitioner is based in Bangalore and could not appear before the trial Court due to ill health. The bail bonds were cancelled. He also contends that the petitioner without prejudice

to his rights, is willing to return the amount which was paid to the Institute by way of draft by the complainant.

Issue notice to the respondent, returnable on 13.09.2019.

In the meantime, the petitioner is directed to appear before the trial Court and in the event of his doing so, he shall be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the trial Court."

On 28.09.2021, this Court was pleased to pass the following order:-

"In this case in paragraph 21 of the petition, it had been submitted that the petitioner is ready and willing to pay back the amount of Rs.3,25,000/- .

On 17.08.2019, when notice of motion was issued, at that stage also, the said willingness was reiterated. Thereafter, the petitioner also gave an affidavit so as to state the time schedule in which the amount of Rs.3,25,000/- would be paid. Although the initial amount of Rs.1,00,000/- was paid but the subsequent amount of Rs.1,00,000/- was to be paid by 31.03.2020 and the last installment of Rs.1,25,000/- was to be paid on 30.04.2020 but the said installments have not been paid, thus, violating the undertaking given before this Court. This Court was inclined to proceed in the matter, however, learned counsel for the petitioner, on instructions from his client, sought time up till 05.10.2021 to prepare a demand draft with respect to the balance amount of Rs.2,25,000/- to be paid to the complainant.

Learned counsel for the respondent No.1 has submitted that the undertaking has been violated and the present petition deserves to be dismissed on the said ground alone.

Keeping in view the above-said facts and circumstances, the petitioner is granted one last and final opportunity to pay the balance amount of Rs.2,25,000/- and regarding the same, he is directed to prepare a demand draft of the said amount in the name of the complainant on or before 05.10.2021.

Adjourned to 05.10.2021.

It is made clear that in case the demand draft is not prepared in the name of the complainant on or before 05.10.2021, necessary orders would be passed."

Learned counsel for the petitioner has submitted that in pursuance of the said order, even a draft of Rs.2,25,000/- in the name of the complainant has been given to the counsel for the complainant. Photocopy of the said draft is taken on record and is marked as 'Mark-A'.

Learned counsel for the complainant has submitted that the draft has been received by him and the same would be given to the complainant.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the petitioner has complied with the order of this Court dated 28.09.2021, the present petition for anticipatory bail is allowed and the order dated 17.08.2019 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

05.10.2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No