

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

(Sr. No. 204)

CRM-M No. 42556 of 2019

Date of decision : 08.03.2021

Prabhdyal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. D.S.Gandhi, Advocate for the petitioner.
Mr. Sidakmeet Singh Sandhu, AAG, Punjab.
Mr. Rakesh Sobti, Advocate, for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been 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. 53 dated 07.05.2019 under Sections 420, 467, 468, 471, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Ramdass, district Amritsar Rural.

Briefly stated the case of the prosecution is that the petitioner and his co-accused promised to get the complainant's son immigrated to Canada and in pursuance of such promise, the complainant transferred Rs.17.60 lakhs in the petitioner's bank account. However, the complainant's son was neither sent to Canada nor the money received from the complainant was returned.

On 18.11.2019 learned counsel for the petitioner submitted that, subject to the final outcome of the criminal proceedings, the petitioner was ready to refund to the complainant an amount of Rs.2.50 lakhs. On the basis of such statement, this Court granted the petitioner ad interim anticipatory bail.

On 28.01.2020 an apprehension was shown by the petitioner that in case he paid Rs.2.50 lakhs to the complainant and his criminal trial was decided in his favour, it would be difficult for him to recover the said amount from the complainant. After considering such contention, this Court directed the petitioner to prepare a FDR for Rs.2.50 lakhs in favour of the complainant.

It is an admitted position that in utter violation of the directions issued by this Court, till date, the petitioner has not got prepared the FDR for Rs.2.50 lakhs in favour of the complainant. Learned State counsel further submits that in spite of several notices sent by the police, the petitioner has also not joined the investigation proceedings.

In the light of the above conduct of the petitioner, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

08.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No