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

(Through video-conferencing)

**CRM No.26219 of 2021 in/and
CRM-M No.44660 of 2019
Date of Decision: 31.08.2021**

VARUN KAPOOR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

Mr. B.S. Jaswal, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0265 dated 26.12.2018, registered under Section 420 IPC at Police Station Chheharta, District Police Commissionerate, Amritsar City, Amritsar.

Interim bail was granted to the petitioner vide order dated 14.02.2020. The aforesaid interim bail was granted to the petitioner on the basis of no-objection given by the complainant

as the petitioner was to refund the entire balance payment to the complainant. Thereafter vide order dated 05.08.2021, last opportunity was granted to the petitioner to adhere to the commitment arising out of compromise. The said order reads as under:-

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

Perusal of the record would show that vide order dated 14.02.2020, interim bail was granted to the petitioner till 20.03.2020 as he was to refund the entire balance amount to the complainant by 16.03.2020. The commitment was not honoured by the petitioner, owing to his untimely accident resulting in virtually amputation of leg. Due to physical disability, the petitioner could not make good the payment, though he had already paid an amount of Rs. 3,00,000/- out of total settled amount of Rs. 5,00,000/-. An amount of Rs. 2,00,000/- is still due towards the petitioner for which he seeks last indulgence to pay the same within two weeks from today without fail.

Learned counsel for the petitioner submits that interim bail granted to the petitioner was made to continue during the situation of COVID-19 pandemic in view of recommendations of the High Powered Committee. The petitioner is still on interim bail. If the petitioner does not pay the balance amount of Rs. 2,00,000/- on or before 20.08.2021, this petition may be dismissed without making any further reference in any manner.

The statement made by learned counsel for the petitioner appears to be bona fide. Last opportunity is granted to the petitioner to adhere to the commitment arising out the compromise and also the statement made

before this Court today.

Adjourned to 23.08.2021. Interim order to continue till the next date of hearing.”

Apparently the petitioner had already paid an amount of Rs.3 lakhs out of total settled amount of Rs.5 lakhs. An amount of Rs.2 lakhs is still due towards the petitioner. Petitioner sought last indulgence to pay the aforesaid amount within two weeks on 05.08.2021.

It was submitted by the learned counsel for the petitioner on 05.08.2021 that interim bail granted to the petitioner was made to continue during COVID-19 pandemic in view of recommendations of the High Powered Committee. He submitted that if the petitioner does not pay the balance amount of Rs.2 lakhs on or before 20.08.2021, then the present petition may be dismissed without making any further reference in any manner.

The submissions made by learned counsel for the petitioner were treated to be *bona fide*. Last opportunity was granted to the petitioner to adhere to the commitment. The case was adjourned to 23.08.2021.

By way of application i.e. CRM No.26219 of 2021 which has also been listed along with the present petition, learned counsel for the petitioner seeks six weeks time to do the needful. It appears that the petitioner is playing hide and seek.

In view of above, no indulgence can be granted in favour of the petitioner. The present petition is dismissed for non-compliance of order dated 05.08.2021.

August 31, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No