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

CRM-M-46326-2019

Date of decision : 28.09.2021

Ravinder Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Dhruv Gupta, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.391 dated 02.09.2019 (Annexure P-1) registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Baldev Nagar, District Ambala (Haryana).

On 16.11.2019, notice of motion was issued in this case for 28.11.2019. However, no interim protection was granted to the petitioner. On 28.11.2019, interim protection was granted to the petitioner and it was observed that the possibility of an amicable settlement could be explored by referring the matter to the Mediation and Conciliation Centre of this Court

and the case was adjourned to 16.12.2019. On 16.12.2019, the case was adjourned to 27.01.2020 for awaiting the report of the Mediator. On 27.01.2020, learned counsel for the petitioner had prayed for an adjournment and the case was accordingly adjourned to 03.03.2020. On 03.03.2020, counsel for the petitioner had been changed and a new counsel i.e. Mr. Dushyant Rana, Advocate had appeared on behalf of the petitioner and sought an adjournment and the case was accordingly adjourned to 30.03.2020 and thereafter, the case was listed on 20.08.2021 and on that very date, Mr. Neeraj Sharma, Advocate had submitted that the petitioner had engaged some other counsel and Mr. Dushyant Rana, Advocate who had appeared on 03.03.2020 also did not appear on 20.08.2021.

This case has been taken up today and in spite of the fact that the case has been passed over three times and now it is 04:00 PM, none has appeared on behalf of the petitioner.

Learned counsel for respondent No.2-complainant has submitted that in the present case, interim protection was granted primarily to the petitioner on 28.11.2019 in order to amicably settle and resolve the matter. However, the said mediation has failed inasmuch as on account of the unfair attitude of the petitioner in resolving the matter. He has also pointed out that as per the allegations made in the FIR, the petitioner has misappropriated an amount of Rs.4,40,000/- which had been paid by the complainant to the petitioner for starting a Gaming Centre. Neither any Gaming Centre was started nor the amount has been refunded to the complainant.

Keeping in view the abovesaid facts and circumstances and also

the fact that after interim protection having been granted to the petitioner with the object of settling the matter, the petitioner has not settled the matter and has even chosen to not appear before this Court as has been detailed hereinabove and also keeping in view the fact that there are specific allegations of misappropriation of funds to the tune of Rs.4,40,000/-, the present petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

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.

28.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No