

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

203

**CRM-M No. 46968 of 2019
Date of Decision:27.09.2021**

PARVEET SINGH KATHURIAPetitioner

Vs

STATE OF PUNJAB AND ANRRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.G.S.Verma, Advocate for the petitioner.

Mr.Amar Ashok Pathak, Addl.A.G.Punjab.

Mr.Rahul Sharma, Advocate for the complainant.

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.232 dated 22.11.2018 registered under Sections 420, 406 IPC at Police Station Mandi Govindgarh District Fatehgarh Sahib.

Notice of motion was issued on 04.11.2019. On 22.07.2021, following order was passed by this Court:-

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

Notice of motion was issued on 04.11.2019.

Learned counsel for the petitioner submits that during pendency of the present petition, the petitioner has paid an amount of Rs.6 lacs to the complainant/respondent No.2.

Learned counsel appearing on behalf of respondent No.2 admits that an amount of Rs.6 lacs has been paid by the petitioner in installments till date.

Learned counsel for the petitioner submits that the petitioner undertakes to pay the remaining amount of Rs.4,12,000/- within two months from today.

Adjourned to 27.09.2021.

In the meanwhile, as one time arrangement, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 29.07.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.”

Perusal of the aforesaid order would show that the petitioner undertook to pay the remaining amount of Rs.4,12,000/- within two months from 22.07.2021. Only one time arrangement was made to direct the petitioner to join investigation as an interim measure.

Admittedly the petitioner has not paid the amount of Rs.4,12,000/- within the time prescribed.

Today learned counsel for the petitioner has sent two post dated cheques in a sum of Rs.2.10,000/- each. Petitioner has mentioned 20.03.2022 as a date of issuance on the first cheque and 20.01.2022 as a date of issuance on the second cheque.

On a pointed question, learned counsel for the petitioner submits that the petitioner is not in a position to pay the amount in question at the earliest. It shows that the petitioner has no funds to honour the commitment arising out of order dated 22.07.2021.

Learned counsel for the complainant, on the other hand, submits that the petitioner never contacted the complainant/respondent No.2 during the period of last two months and the amount was never offered to him. Learned counsel for the complainant is still ready and willing to accept the amount in question, provided the same is paid to the complainant within two weeks.

Even this offer is not acceptable to learned counsel for the petitioner.

Faced with this situation, this Court has no alternative but to dismiss this petition.

Ordered accordingly.

(RAJ MOHAN SINGH)
JUDGE

27.09.2021
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Whether speaking/reasoned Yes/No