

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

204

**CRM-M-3873-2021 (O&M)
Date of decision: 27.05.2022**

PAWAN KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. SK Tripathi, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

Mr. Manoj Kumar Sood, Advocate
for complainant/respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

This order shall dispose of a bunch of petitions i.e. CRM-M-3885-2021 (O&M), CRM-M-4005-2021 (O&M), CRM-M-6069-2021 (O&M), CRM-M-3872-2021 (O&M), CRM-M-3871-2021 (O&M), CRM-M-3869-2021 (O&M), CRM-M-3861-2021 (O&M), CRM-M-3860-2021 (O&M), CRM-M-3874-2021 (O&M), CRM-M-3876-2021 (O&M), CRM-M-3889-2021 (O&M), CRM-M-3840-2021 (O&M) and CRM-M-5409-2021 (O&M), as an identical issue is involved therein. However, for the facility of reference, facts are taken from CRM-M-3873-2021.

Through this petition, the petitioner seeks anticipatory bail in complaint bearing No.138/7642 dated 03.07.2018, filed by respondent

No.2, pending before the Court of learned Judicial Magistrate, 1st Class, Faridabad.

In a complaint filed by the complainant/respondent No.2, the petitioner had absented himself from the proceedings, resulting into the cancellation of his bail bonds and the proclamation being issued against him by the trial Court on 30.11.2019. Ultimately, the petitioner was declared a proclaimed person vide order dated 17.03.2020.

Vide order dated 28.01.2021 passed by a Coordinate Bench of this Court, it was ordered that any coercive process issued against the petitioner shall remain stayed.

Learned counsel for the petitioner submits that out of the total outstanding amount of Rs.56,00,000/- in all the complaint cases, the petitioner has already paid Rs.46,00,000/- to the complainant and that he is ready to pay the remaining amount of Rs.10,00,000/- within a period of six months.

On the other hand, while opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel assisted by learned counsel for the complainant submits that intentionally the petitioner is not paying the remaining amount. They, however, do not dispute the factum of the payment of Rs.46,00,000/- by the petitioner to the complainant.

I have heard the learned counsel for the parties.

Indisputably, major amount of Rs.46,00,000/- stands paid by

the petitioner to the complainant-respondent No.2 and the petitioner is ready to pay the remaining amount. In view of the said fact, this Court deems it fit to grant some more time to the petitioner to make payment of the remaining amount as protracted litigation would serve no fruitful objective.

In view of the above, the present petition is disposed of with a direction to the petitioner to appear before the trial Court, within a month from today and on his doing so, the trial Court is directed to release him on bail subject to his furnishing fresh bail/surety bonds to its satisfaction.

However, it is made clear that the petitioner shall pay the remaining amount of Rs.10,00,000/- within a period of six months from today, failing which the prosecution or the complainant would be at liberty to move an appropriate application for recalling this order.

27.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No