

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.3535 of 2022 (O&M)
Date of Decision.21.02.2022
(Heard through VC)

Jaswinder

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

Mr. Vikas Bishnoi, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

This is 2nd petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.200 dated 03.09.2021 under Sections 406, 420 and 506 IPC at Police Station Bhattu Kalan, District Fatehabad.

This Court vide detailed order dated 07.12.2021 passed in CRM-M No.38401 of 2021 titled as Jaswinder Singh Vs. State of Haryana and another, has dismissed the first petition of the petitioner seeking anticipatory bail by observing therein that sufficient time had been granted to the petitioner for making payment of Rs.2.5 lakhs to the complainant by way of demand draft in terms of undertaking given by the petitioner as far back as 16.09.2021, which was a condition precedent while ordering stay of his arrest. However, the petitioner did not do so till the passing of the order on 07.12.2021. Even this Court proposed to the petitioner to pay some interest on the amount that is due on account of delayed payment, however, counsel for the petitioner had shown his handicap in doing so. This Court

specifically asked counsel for the petitioner to verify from the petitioner himself whether he was willing to pay minimal interest on account of delayed payment, to which he answered that the petitioner would not do so.

Now the second petition was filed on 24.01.2022 and came up for hearing before this Court on 01.02.2022 on which date counsel for the petitioner was not present and the matter was adjourned for today i.e. 21.02.2022.

Learned counsel for the petitioner by way of instant petition would submit that the petitioner has prepared a demand draft of Rs.1 lakh in favour of complainant and seeks reasonable time to pay the remaining amount.

I have heard learned counsel for the petitioner and have perused the paper book. In the first round of litigation vide order dated 16.09.2021, arrest of the petitioner was stayed only on account of the fact that the petitioner undertook to pay Rs.2.5 lakhs on or before the next date of hearing i.e. 06.10.2021 and not on merits. However, the petitioner did not do so till 07.12.2021 on which date, this Court vide detailed order dismissed the petition. Now the petitioner seeks anticipatory bail while taking the same plea that he is ready to return the money and seeks reasonable time to do so. The second petition on the same cause of action is not maintainable as there is no change in circumstances. Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

February 21, 2022
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No