

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5128-2021 (O&M)
Date of Decision:-17.2.2022

Ashish Sharma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Hasan Kaur, Advocate for
Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Karambir.

Ms. Kulwinder Kaur, Advocate for
Ms. Aashna Gill, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.167 dated 12.2.2020, Police Station City Thanesar, District Kurukshetra under Sections 406 and 420 of Indian Penal Code.
2. At the time of issuance of notice of motion on 4.3.2021, the following order was passed:

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case; even if the case of the prosecution taken as the gospel truth, though vehemently denied, the same only projects a dispute of civil nature; in any case to show his bona fide, the petitioner is ready and willing to give to the complainant within one month a bank draft for an amount of Rs.3 lakhs and that the petitioner is also ready and willing to join the investigation as and when called by the Investigating Agency.

Notice of motion.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 07.04.2021.

In the meanwhile, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.167, dated 12.02.2020, registered under Sections 406, 420 IPC at Police Station City Thanesar, District Kurukshetra, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date, the State shall file a status report and petitioner's criminal antecedents.”

3. Thereafter on 7.4.2021, this Court, while noticing that the petitioner had not paid the amount of Rs.3 lakhs to the complainant, as had been offered by him on 4.3.2021, had adjourned the matter to enable the petitioner to do the needful in this regard. However, even by the next date the requisite payment had not been made and the matter was again adjourned. On 7.9.2021, the learned counsel for the petitioner submitted that the petitioner had prepared

a bank draft for Rs.1 lakh and shall hand over the same to the complainant and shall pay the balance amount of Rs.2 lakhs within a period of 3 weeks. The amount of Rs.2 lakhs was not paid as had been noticed in order dated 5.1.2022 and it had been represented on behalf of the petitioner that he could not pay the balance amount as he had been seriously ill and had been advised to undergo kidney transplant.

4. The State had been directed to furnish a report as regards the assertions made on behalf of the petitioner to the effect that he has been advised to undergo surgery regarding kidney transplant.
5. Today, learned State counsel has informed that the petitioner could not be contacted as he was not available at this residence.
6. Learned counsel representing the petitioner has also submitted that the petitioner could not be contacted and that she has no instructions from the petitioner.
7. In view of the aforestated position, particularly the fact that the petitioner has not honoured his commitment and has not paid the balance amount of Rs.2 lakhs, the petitioner does not deserve any concession from this Court. The petition, as such, is dismissed.

17.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No