

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

103

CRM-M-17907-2022

Date of Decision: 20.05.2022

Rasbir Singh Punia ...Petitioner

Versus

State of Haryana & another ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pardeep Singh Poonia, Advocate, for the petitioner.

Mr. Krishan K. Chahal, Addl. AG, Haryana.

None for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. Even on second call, none has put in appearance on behalf of respondent No.2 – Pankaj @ Vicky.
2. By way of this petition, the petitioner seeks cancellation of bail as granted to respondent No.2 vide order dated 26.11.2021 (Annexure P-1) passed by this Court. The operative portion of order dated 26.11.2021 reads as follows:

“7. The petitioner, however, as per his offer shall deposit an amount of Rs.3 lakhs before the trial Court/Illaqa Magistrate within a period of 3 months from today, which shall be got invested in FDR in some Nationalized Bank. The trial Court/Illaqa Magistrate shall, however, issue specific directions to the Bank concerned not to entertain any request for encashment of the same except under orders of the Court. In case, the petitioner is ultimately found guilty and convicted and such conviction attains finality, the complainant shall be entitled to

proceeds of said FDR. However, in case the accused/petitioner is found innocent and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR along with interest.”

3. A perusal of the aforesaid extract from order dated 26.11.2021 indicates that respondent No.2 was required to deposit an amount of Rs.3 lakhs within a period of 3 months from order dated 26.11.2021.
4. However, since the petitioner had not deposited the said amount, he sought an extension of time by way of filing an application i.e. CRM-7125-2022 in CRM-M-52812-2019 before this Court, which was accepted vide order dated 28.02.2022 (Annexure P-2). The order dated 28.02.2022 reads as follows:

“In view of the reasons mentioned in the application, the same is allowed to the extent that in case the petitioner deposits an amount of Rs.1 lakh within 10 days from today, the remaining two lakhs may be deposited within one month thereafter.

The aforesaid condition of deposit of an amount of Rs.3 lakhs, as mentioned in order dated 26.11.2021, stands modified accordingly.”

5. It is the specific case of the petitioner that despite order dated 26.11.2021 (Annexure P-1) and despite order dated 28.02.2022 (Annexure P-2), accused/respondent No.2 has not deposited any amount in compliance of the specific directions issued to him vide order dated 26.11.2021, which was in fact passed pursuant to the specific offer made by himself on the said date.
6. There is no rebuttal to the aforesaid assertions inasmuch as learned counsel for respondent No.2 has chosen not even to appear today.

7. The conduct of the petitioner can hardly be appreciated. At the time, when his petition for grant of bail was being considered, he made an offer to deposit Rs.3 lakhs in Court to show his bonafides, but after getting bail, he has chosen not to abide by his offer.
8. In these circumstances, the petition is accepted and the bail granted to the petitioner vide order dated 26.11.2021 is hereby cancelled.

20.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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