

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.44846 of 2019 (O&M)

Date of Decision:06.01.2022

(Heard through VC)

Ashok Kumar alias Angrej Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioners.

Mr. B.S. Sewak, Addl. AG, Punjab.

Mr. Prateek Pandit, Advocate
for the complainant.

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JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in case FIR No.123 dated 28.07.2019 under Sections 420, 406 IPC registered at Police Station Sadar Kapurthala, District Kapurthala.

A perusal of the interim orders would reflect that the petitioners had made an offer to compensate the complainant subject to the final outcome of the case to the extent of ₹1 lakh in total. Pursuant to the said offer, notice of motion was issued for 13.12.2019 with a direction for an amount of ₹1 lakh (₹50,000/- each by both the petitioners) to be paid to the complainant within a period of three weeks. The petitioners were also directed to join investigation.

Thereafter, when the matter was listed 13.12.2019 a statement was made by the State counsel that the petitioners herein had not paid the

amount undertaken by them to the complainant nor had they join investigation. As no one had put in appearance on behalf of the petitioners, the matter was adjourned to 07.02.2020 with a direction to comply with the previous order dated 22.10.2019, failing which the same shall be vacated. On the adjourned date, counsel for the petitioners sought an adjournment and the matter was listed for 30.04.2020, on which date a request was made for adjournment by the counsel for the petitioners. The matter was then came up for hearing on 29.09.2021 and thereafter on 25.10.2021, on which date, a detailed order was passed in the presence of proxy counsel appearing for the counsel for the petitioners and one last opportunity was given to petitioners with clarification that in case of non-compliance of the order dated 22.10.2019, the interim bail granted to them would be recalled forthwith. The matter was then adjourned for 01.11.2021, on which date, on joint request, the same was listed for hearing on 06.01.2022.

Today, the matter has been called twice, however, no one has put in appearance for the petitioners.

Learned counsel appearing on behalf of the complainant would submit that the order dated 22.10.2019 has not been complied with in so far as amount of ₹1 lakh has not been paid to the complainant.

Learned counsel appearing on behalf of the respondent-State would submit that though petitioners had joined investigation on 31.05.2021, they have not complied with interim order dated 22.10.2019.

I have heard learned counsel for the parties and have also perused the interim orders so passed. There was a categorical statement given on behalf of the petitioners that they would compensate the complainant,

subject to final outcome of the case to the extent of ₹1 lakh. Based on the said statement, notice of motion was issued and there was a direction to pay an amount of ₹1 lakh within a period of three weeks to the complainant. The petitioners were also directed to join investigation. However, it appears that the petitioners herein though have joined investigation have not complied with orders of making payment of ₹1 lakh to the complainant, that too despite several opportunities having been granted to them. Consequently, this Court is constrained to recall the order passed on 22.10.2019 allowing interim bail to the petitioners. As no one has put in appearance it appears that the petitioners are not interested in contesting the matter.

Resultantly, the instant petition stands dismissed.

January 06, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No