

204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41560-2022
Date of Decision: 18.01.2023

JOGINDER ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Sandeep Lohchab, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Mr. Balraj Singh Rathee, Advocate,
for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in the case bearing
FIR No.0024 dated 01.02.2022 under Sections 406/420/467/468/471/506/34
IPC registered at Police Station Moohana, District Sonipat.

Briefly, the FIR has been registered on the allegations that the
petitioner alongwith co-accused had received a sum of Rs.23,50,000/- from
the complainant on the false pretext of providing employment to his son,
son-in-law and relative and had also issued fake appointment letters.

On 12.09.2022, the following order was passed in the main
case:-

“Learned counsel for the petitioner inter alia contends that
in the present case, the business related dispute has been given the
colour of a criminal case. It is further submitted that petitioner in
order to show his bona fide and without admitting his liability, is
ready to pay a total amount of Rs.8 lacs to the complainant in two
installments, first installment of Rs.4 lacs would be paid to the
complainant within a period of 15 days from today and another
balance installment of Rs.4 lacs would be paid to the complainant
within a period of 30 days from today.

Notice of motion.

On advance notice, Mr. Dhruv Sihag, AAG, Haryana
appears and accepts notice on behalf of the State and Mr. B.S.
Rathee, Advocate appears on behalf of the complainant and seek
time to get instructions.

Adjourned to 17.10.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare the demand draft of Rs.4 lacs within a period of 15 days from today and second demand draft of another amount of Rs.4 lac within a period of one month from today and is also directed to hand over the same to the counsel for the complainant who is present in the Court. The first demand draft would be handed over by the petitioner to the counsel for the complainant within a period of 15 days from today and second demand draft would be handed over to the complainant within a period of 30 days from today.

It is made clear that in case, the abovesaid demand drafts are not handed over to the counsel for the complainant within the period as stated hereinabove, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.8,00,000/- would not be construed as an admission of guilt by the petitioner.”

It has not been disputed that the amount of Rs.8 lac has not been paid as per the undertaking given in the Court. Consequently, on 31.10.2022, the interim order was vacated.

Keeping in view the fact that the petitioner has neither joined the investigation nor paid the amount of Rs.8 lac as undertaken at the time of getting interim protection, no extra-ordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Dismissed.

18.01.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No