

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

204

CRM-M-53371-2021

Date of decision: 28.07.2023

Ashwani Kumar and another

..Petitioners

Versus

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Vaibhav Narang, Advocate for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Gobind Singh Randhawa, Advocate for the complainant.

\*\*\*

**AMAN CHAUDHARY, J**

1. Prayer in this petition is for grant of anticipatory bail in FIR No.127 dated 09.11.2021 registered under Sections 420, 406 and 506 IPC at Police Station Dhariwal, Gurdaspur.

2. Learned counsel submits that he has received instructions from the petitioners that they are not ready to comply with the undertaking given by them in the order dated 07.02.2022, based on which interim bail was granted to them.

3. Learned State counsel assisted by the learned counsel for the complainant submitted that the petitioners had taken a huge amount of Rs.8 lakh from the complainant in view of providing job in government department but neither the same was done nor the amount was returned. Thus, they pray for dismissal of the present petition.

4. Heard

5. On 07.02.2022, this Court had passed the following order:-

“The petitioners have approached this Court seeking grant of anticipatory bail, is alleged to have defrauded the complainant of an amount of Rs.22.40 lakhs, on the pretext of providing job to the complainant in the year 2014 whereas the FIR came to be lodged in the year 2019.

Learned counsel for the petitioner submits that infact false allegations have been levelled in the FIR on account of some monetary dispute and that infact he had already paid an amount of Rs.2 lakhs. He has further submitted that his client

in order to prove his bonafides is willing to deposit an amount of Rs.2 lakhs before the trial Court within 15 days from today.

Upon such amount being deposited, the trial Court/Illaqa Magistrate shall get the same invested in some FDR with a specific direction to the Bank Manager concerned not to entertain any request for encashment except under an order of the Court. In case, the petitioners are found innocent and are acquitted and such acquittals attain finality, they shall be entitled to the proceeds of the FDRs. However, in case they are found guilty and their conviction attains finality, it is the complainant who shall be entitled to the proceeds of such FDRs.

List on 24.5.2022.

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

6. Despite granting sufficient time, the petitioners did not comply with the aforesaid order and have now categorically stated that they are not inclined to make the deposit of the amount, they had themselves undertaken, based on which the notice was issued and interim bail was granted to them.
7. Keeping in view the fact that the petitioners have defrauded the complainant with a huge amount and that they have scant regard to the orders, this Court is not inclined to grant anticipatory bail to the petitioners and as such, the present petition is dismissed.

28.07.2023  
ashok

( AMAN CHAUDHARY )  
JUDGE

Whether speaking/reasoned :    Yes/No

Whether reportable :                Yes/No