

CRM-M-51814-2022

Date of decision: 04.01.2023

SATWINDER SINGH

.....Petitioner

versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** None for the petitioner.

Mr. Ravinder Singh, A.A.G., Punjab.

Mr. Abhiraj Singh Baweja, Advocate
for the complainant.

NAMIT KUMAR, J. (ORAL)

The case has been called twice, however, no one has put in appearance on behalf of the petitioner.

On 17th November 2022, while granting interim protection to the petitioner, the following order was passed:-

'Learned State Counsel prays for an adjournment to comply with order dated 11.11.2022.

Learned counsel for the petitioner has submitted that in the present case, allegations against the petitioner and other co-accused are that they have duped the complainant of an amount of Rs.14,00,000/-, out of which, an amount of Rs.5,00,000/- has already been paid to the complainant and the petitioner further undertakes to pay an amount of Rs.5,00,000/- to the complainant within a period of two weeks from today and thus, prays for interim relief.

Learned counsel for the petitioner has also submitted that the petitioner would co-operate with the investigation.

Adjourned to 14.12.2022.

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 demand draft of Rs.5,00,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further handover the same to the complainant after getting receipt from her.

It is made clear that in case, the demand draft of Rs.5,00,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.5,00,000/- would not be construed as an admission of guilt by the petitioner.'

Thereafter, on 14th December 2022 the case was taken up and the following order was passed:-

'Learned counsel for the petitioner has prayed for one last opportunity of two weeks to pay the amount of Rs.5,00,000/- to the complainant and has submitted that in case the same is not done then the interim order granted in favour of the petitioner be vacated.

Adjourned to 04.01.2023.

The petitioner is directed to give a demand draft of Rs.5,00,000/- in the name of the complainant on the next date of hearing failing which the interim order granted in favour of the petitioner would be liable to be vacated.'

In terms of orders dated 11.11.2022 & 17.11.2022, learned State counsel has filed the status report dated 03.01.2023 by way of an affidavit of Sh. Murad Jasvir Singh Gill, PPS, ACP, Industrial Area-A, Ludhiana, on behalf of the respondent-State and the same is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.

Para 7 of the status report reads as under:-

'That the petitioner did not join the investigation so far before the I.O. and the petitioner also did not hand over DD amounting to Rs.5,00,000/- to the I.O. in compliance with order dated 17.11.2022 passed by this Hon'ble Court. So the petitioner did not comply with the order of this Hon'ble Court'.

Learned counsel for the complainant also submits that the petitioner has not paid the amount of Rs.5,00,000/- in terms of orders dated 17th November 2022 & 14th December 2022.

Since the petitioner has neither joined the investigation nor complied with the orders dated 17th November 2022 and 14th December

2022 the interim protection granted vide order dated 17.11.2022 stands withdrawn and in consequence thereof, the present petition is dismissed accordingly with no order as to costs.

04.01.2023
mamta

(NAMIT KUMAR)
JUDGE

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