

(2013) 05 P&H CK 0100

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-16907 of 2013

Deep Chand Tyagi

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision: May 21, 2013

Hon'ble Judges: Mahesh Grover, J

Bench: Single Bench

Judgement

Mahesh Grover, J.

The petitioner prays for the concession of pre-arrest bail. Facts of the case would reveal that the petitioner was facing proceedings in a complaint u/s 138 of Negotiable Instruments Act, 1881. During the proceedings, he pretended, through his son, that he is willing to settle the matter with the complainant and offered to make the payment. The matter was then adjourned sine die but neither the petitioner nor his son honoured the commitment made before the Court, to the complainant, resulting in revival of the proceedings against him. Thereafter, the petitioner failed to appear before the Court leading to proclamation being issued against him.

2. The petitioner now prays that he be granted the concession of pre-arrest bail.

3. Keeping in view the previous conduct of the petitioner through his son when he consciously made a commitment before the Court to settle the matter which commitment he breached with impunity and did not make any subsequent effort to resolve the issue and rather defaulted from the proceedings altogether leads one to reach a conclusion that the petitioner has made mockery of both the Court and the complainant.

4. Provisions of Section 438 Cr.P.C. are intended to protect the people from the abuse of the process of law and false implication but the facts of the case would reveal that it is not a case where the petitioner is a victim of abuse of process of law, rather he is abuser of process of law and therefore, does not deserve the concession

of pre-arrest bail.

5. At this stage, learned counsel for the petitioner contends that the petitioner will deposit 50% of the amount of Rs. 3,25,000/- before 20.6.2013 and the remaining on or before 20.7.2013, positively.

6. In case the petitioner deposits 50% of the amount on the date fixed before the learned trial court i.e. 6.6.2013 and furnishes an undertaking that he will deposit the remaining amount before 20.7.2013, he shall not be arrested and the learned trial court shall pass appropriate order in this regard. In the eventuality of petitioner's defaulting in making the payment, as per this order, the learned trial court shall be at liberty to proceed against the petitioner in accordance with law and no benefit of this order shall be available to the petitioner. Disposed of accordingly.