

CRM-M-27948-2015 (O&M)

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

**CRM-M-27948-2015 (O&M).
Decided on: December 10, 2015.**

Sumita

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Ranjit Singh, Advocate,
for the petitioner.**

Ms.Harpreet Kaur Athwal, DAG., Punjab.

M.M.S. BEDI, J. (ORAL)

Notice issued to respondent No.2 stands served.

Case called repeatedly. No one has put in appearance on behalf of respondent No.2.

I have gone through the order dated 17.11.2014 passed by this Court whereby on the basis of the terms of the compromise, the private respondent had been granted the concession of bail.

State counsel, on the instructions of HC Sushil Kumar, informs that a compromise had been arrived at between the parties on 20.5.2014. The prosecution agency had presented the challan on 23.12.2014 considering the petitioner on pre-arrest bail. The case is fixed before the trial Court for prosecution evidence.

After considering the facts and circumstances of the case, I am of the opinion that respondent No.2 has been able to get concession of pre-arrest bail by playing fraud with the Court. He had entered into compromise before the Mediation and Conciliation Centre of Punjab and Haryana High Court but has subsequently given severe beatings to the petitioner. He has opted not to appear before this Court despite a notice having been served upon him.

In view of above, the petition is allowed. As per the terms and conditions of pre-arrest bail granted by this Court on 17.11.2014, the order granting him pre-arrest bail is hereby cancelled. Respondent No.2 may be arrested without prejudice to his right to seek concession of regular bail. It will also be open to the Investigating Agency to record the supplementary statement of the complainant and file a supplementary challan. Any statement recorded under the orders passed by this Court will be deemed to be further investigation as per the provisions of Section 173 (8) Cr.P.C.

It is observed that it will be optional to the investigating agency to take supplementary proceedings, as observed hereinbefore.

(M.M.S. BEDI)
JUDGE

December 10, 2015.
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