

DECIDED ON: SEPTEMBER 09, 2016

.....PETITIONERS

VERSUS

.....RESPONDENTS

Present: Mr. Arvinder Arora, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

None for respondent No.2.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioners have sought pre-arrest bail in case FIR No. 0041 dated 02.04.2016 under Sections 406, 420, 467, 468 and 471 IPC registered at Police Station Shahzadpur.

At the time of issuance of notice of motion on June 20, 2016,
following order was passed:

“Notice of motion.

At the asking of the Court, Mr.Indresh Goel, Additional Advocate General, Haryana, accepts notice on behalf of the respondent No.1 - State. At this stage, learned counsel for the petitioners requests for staying the arrest of the petitioners and submits that the petitioners will pay a sum of ₹60,000/- more by the adjourned date, failing which, if arrest of the petitioners is stayed, the same may be vacated.

Adjourned to 7.7.2016.

In the meanwhile, arrest of the petitioners is stayed.

However, it is made clear that if the petitioners do not pay a sum of ₹60,000/- by the adjourned date, interim relief granted to them vide this order shall stand automatically vacated.

Record, if any, be produced on the next date of hearing.

Notice to the respondent No.2 be issued for the date fixed”.

Since the petitioners did not honour the compromise and also failed to make the payment as per the settlement arrived at between them, the interim order dated June 20, 2016 was vacated by this Court on July 08, 2016. Even, today learned counsel for the petitioner has submitted that he is not aware of the subsequent proceedings and has no instructions in respect of the compromise or with regard to the payment of amount.

Since, discretionary relief of interim bail was granted to the petitioners, in view of compromise/settlement arrived at between them, which the petitioners did not honour at the subsequent stage, this Court is of the considered view that they are not entitled to the relief as envisaged under Section 438(2) Cr.P.C. Hence, instant petition stands dismissed.

SEPTEMBER 09, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No