

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

**CRM No.M-25542 of 2016
Date of decision: 16.02.2017**

Angrej Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL J.

Mr. Amit Jaiswal, Advocate has caused appearance on behalf of the complainant with complainant – Satnam Kaur in person.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.94 dated 27.11.2015, registered at Police Station Women Cell, District Amritsar, for offence punishable under Sections 498-A and 406 of the Indian Penal Code (in short 'IPC').

Counsel for respondent No.2/complainant has submitted that on 18.10.2016, on the basis of request made by counsel for the petitioner, parties were directed to appear before the Mediation and Conciliation Centre on 16.11.2016. The petitioner caused appearance before the Mediator only once and thereafter, the complainant remained attending to the proceedings on different occasions. It is further submitted that the petitioner even failed to cause appearance despite notice and service in the mediation proceedings. It is further submitted that statement made by counsel for the petitioner for referring the matter to the Mediation and Conciliation Centre to explore possibility

of an amicable settlement, in the circumstances was just an attempt to buy time and avail benefit of interim bail granted by this Court but without any *bona fide* effort to seek mediation much less settle the dispute.

Counsel for the petitioner has nothing to say in the matter but has submitted that the petitioner may be provided with an opportunity to appear before this Court on some date. Counsel for the petitioner was directed to pay an amount of Rs.1,000/- to the complainant who remained attending to the mediation proceedings without any negotiation between the parties, on the basis of request made by counsel for the petitioner that the matter may be sent for mediation. Counsel for the petitioner has expressed his inability to pay the amount to the complainant present in the Court and further states that an appropriate order may be passed.

I have heard counsel for the parties and perused the records.

Order dated 18.10.2016 passed by this Court reads as follows:-

“Learned counsel for the petitioner states that the matter may be sent to the Mediation and Conciliation Center of this Court as chances of settlement are expected.

Post the matter before Mediation and Conciliation Center of this Court for 16.11.2016.

Parties are directed to appear before the Mediation and Conciliation Center on the date fixed.

Report be awaited for 16.02.2017.”

Perusal of the proceedings conducted by the Mediator would substantiate plea of the complainant that the petitioner failed to

cause appearance before the Mediator on various dates fixed for the purpose even despite service of notice upon the petitioner by the Mediator. Conduct of the petitioner for his failure to join the mediation proceedings speaks volume about his *mala fide* intention which further shows that statement made by counsel for the petitioner on 18.10.2016 was bereft of truth and reality. Taking into consideration afore-discussed conduct of the petitioner, he has dis-entitled himself to pre-arrest bail, a concession to be allowed by the Court.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(REKHA MITTAL)
JUDGE

16.02.2017
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No