

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

CRM-M No. 28380 of 2016(O&M)

Date of decision: 4.5.2017

Palwinder Singh

....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.S. Pandher, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Ms. Amarinder Kaur Verma, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

An amount of Rs.5,000/- has been paid in cash and received by the complainant.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.125 dated 17.06.2016 registered with Police Station Fatehgarh Sahib for offence punishable under Sections 406, 498-A of the Indian Penal Code, 1860 (in short 'IPC').

On 17.08.2016, notice of motion was issued for 02.12.2016 and the petitioner was allowed interim bail by this Court. The first submission made by counsel for the petitioner on that day was that the petitioner is ready to settle the matter. The complainant was ordered to be impleaded as a party with a direction to the petitioner to file amended memo of parties.

On the adjourned date, complainant caused appearance through a counsel and a request was made by counsel for the parties that the matter may be sent to Mediation and Conciliation Centre of the Court as there are chances of settlement. The matter was referred to the

Mediation and Conciliation Centre of the Court for 21.12.2016. Perusal of the mediation proceedings would show that the petitioner caused appearance before the mediator only on one date i.e. 16.01.2017 and he paid an amount of Rs.4,000/- to the complainant and the remaining amount was ordered to be paid on the next date of mediation i.e. 06.02.2017. On 06.02.2017, counsel for the petitioner caused appearance on his behalf and paid another sum of Rs.3,500/- towards litigation expenses. It is recorded in the order passed by the Mediator that the petitioner be informed telephonically about the next date of hearing. Thereafter, the petitioner did not cause appearance before the Mediator on 20.02.2017, 10.03.2017, 27.03.2017 and feeling helpless that in absence of the petitioner – husband no effective mediation can be conducted, the matter was sent back to this Court. This conduct of the petitioner- husband staying away from the mediation proceedings speaks volumes about his bona fide that he is ready to settle the matter. It appears that the petitioner made a false representation with a clever intent to get interim bail.

Keeping in view conduct of the petitioner noticed hereinbefore, he has disentitled himself to pre-arrest bail, a concession to be allowed by the Court.

Dismissed.

MAY 4, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no