

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-31704 of 2017

Date of Decision: 21.12.2017

Kawal Nain @ Kewal Nayan Valecha

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.P. Jangu, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

On the previous date of hearing i.e. 19.09.2017, following
order was passed by this Court:

*“Prayer in this petition filed under Section 439 Cr.P.C.
is for grant of regular bail to the petitioner in case bearing
FIR No.377 dated 21.05.2017 under Section 420 read with
Section 34 IPC registered at Police Station Sirsa City, District
Sirsa.*

*Instead of arguing the matter on merits, learned counsel
for the petitioner, on instructions from Smt. Sarla Valecha
wife of the petitioner, namely, Kawal Nain @ Kewal Nayan
Valecha, has submitted that the allegation against the
petitioner is that an amount of Rs.9,62,390/- was deposited by*

the complainant in the bank account of the petitioner. The petitioner is ready to pay the said amount to the complainant.

Learned counsel for the complainant, on instructions from the complainant, namely, Manoj Bhardwaj, who is present in Court, states that the complainant would be satisfied if the said amount is returned to him. In case the said amount is paid to the complainant, he will have no objection if the FIR in question registered against the petitioner is quashed.

In order to show his bona fide, learned counsel for the petitioner has handed over a post-dated cheque No.035474 dated 20.09.2017 from ICICI Bank, Sirsa for an amount of Rs.2,00,000/- issued by Smt. Sarla Valecha in favour of complainant-Manoj and has stated that the remaining outstanding amount i.e. Rs.7,62,390/- shall be paid in instalments.

In view of the fact that the parties have narrowed down the controversy and the petitioner has shown his inclination to pay Rs.9,62,390/- to the complainant, which offer has duly been accepted by the complainant and taking into consideration the fact that in order to show his bona fide the petitioner has handed over a cheque amounting to Rs.2,00,000/- to the complainant in Court, the petitioner is admitted on interim bail subject to furnishing of his adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, parties are directed to appear before the Mediation and Conciliation Centre of this Court, for the purpose of working out the modalities of the instalments of the remaining amount, on 22.9.2017.

The petitioner shall be is required to pay the remaining amount of Rs.7,62,390/- to the complainant within a period of

three months from the start of mediation proceedings, provided the cheque of Rs.2 lakhs handed over to the complainant is encashed.

The bank account of the petitioner, so seized by the trial Court, shall be allowed to be operated by the petitioner in order to facilitate payment of the amount due.

List on 21.12.2017.”

As per the report submitted by the Mediator, both the parties could not settle their dispute and the mediation remained unsuccessful. Even the petitioner has not complied with the aforesaid order dated September 19, 2017. Therefore, this Court finds that the petitioner does not deserve the concession of regular bail.

The present petition is, accordingly, dismissed.

December 21, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No