

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

**CRM-M No.43366 of 2016 (O&M)
Decided on: 19.05.2017**

Jasandeep Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. A.P. Kaushal, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Ms. Puja Chopra, Advocate for respondent No.2.

REKHA MITTAL, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.131 dated 01.11.2016 under Sections 406, 498-A and 506 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Jalalabad City, District Fazilka.

Counsel for the petitioner has submitted that the petitioner has already joined investigation in terms of order dated 05.12.2016 whereby he was allowed interim bail. It is further submitted that he is ready to co-operate throughout and face proceedings, in accordance with law.

Counsel for the complainant has pointed out that on 05.12.2016, counsel for the petitioner submitted that he is ready to settle the dispute amicably and the matter should be referred for mediation. Accordingly, the parties were directed to appear before the Mediation and Conciliation Centre of the Court for 12.12.2016. It is argued that mediation proceedings did not yield any result. However, during pendency of mediation proceedings, the petitioner lodged a

report with the police levelling allegations against the complainant that she had taken away jewellery. It is further submitted that in view of conduct of the petitioner in lodging a report with the police coupled with his failure to comply with the order dated 07.04.2017 passed by this Court, the petitioner is not entitled to pre-arrest bail, a concession to be allowed by the Court.

Counsel for the State has submitted that custodial interrogation of the petitioner is required for progress in investigation.

I have heard counsel for the parties, perused the paperbook and the police records.

Perusal of order dated 05.12.2016 passed by this Court would substantiate plea of the complainant that the petitioner made a representation that he was ready to settle the dispute amicably and the matter needed to be referred for mediation. The parties were directed to appear before the Mediation and Conciliation Centre of the Court and the petitioner was allowed interim bail in order to explore possibility of a settlement. Indisputably, petitioner joined investigation in terms of order dated 05.12.2016 and so also the mediation proceedings but the mediation failed.

A relevant extract from order dated 07.04.2017 passed by this Court reads as follows:-

“Counsel for respondent No.2 has submitted that stand of the petitioner with regard to mediation and settlement becomes doubtful in view of the fact that when the parties were before the mediator, the petitioner lodged a report with the police leveling allegations against the girl that she had taken away jewellery. However, it is submitted that the complainant would wish that the

dispute is settled by parting ways on payment of reasonable amount towards maintenance and permanent alimony etc.

The petitioner is not present in the Court but the complainant is present. The petitioner shall pay an amount of Rs.5,000/- to the complainant on the next date of hearing towards litigation expenses. The petitioner shall remain present before the Court on the next date of hearing.

Adjourned to 19.05.2017.”

Neither the petitioner came present nor he paid an amount of Rs.5,000/- to the complainant. Counsel for the petitioner without any remorse for failure of the petitioner to comply with the order dated 07.04.2017 sought an adjournment that the petitioner would appear before the Court on 22.05.2017. Nothing has been submitted by counsel justifying absence of the petitioner from the proceedings and further his failure to pay an amount of Rs.5,000/- in terms of order dated 07.04.2017. In view of conduct of the petitioner in lodging a report with the police during mediation proceedings levelling allegations against the complainant – wife that she had taken away jewellery coupled with violation of order dated 07.04.2017 passed by this Court, the petitioner has dis-entitled himself to indulgence of this Court in exercise of discretionary jurisdiction. That being so, petition for grant of pre-arrest bail, a concession to be allowed by the Court, fails and is accordingly dismissed.

19.05.2017

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No