

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-45648 of 2016

Date of Decision: 9.5.2017

Sunil Kumar

---Petitioner

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sandeep Arora, Advocate
for the petitioner

Mr. Ankur Jain, AAG, Punjab

Mr. N.K.Awasthi, Advocate
for respondent No.2

Rekha Mittal, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No. 84 dated 14.7.2016 under Sections 498-A, 406 of the Indian Penal Code (in short "IPC") registered at police station, Sunam, District Sangrur.

Counsel for the petitioner has submitted that the petitioner was allowed interim bail by this Court vide order dated 21.12.2016 and in pursuance thereof, he joined investigation as recorded in order dated 15.2.2017. It is further submitted that in view of allegations made in the FIR, custodial interrogation of the petitioner is not required and he is ready to face proceedings, in accordance with law.

Counsel for the respondent/complainant would submit that the petitioner is not entitled to concession of pre arrest bail in view of his

conduct that neither he caused appearance before the Mediator in compliance with order dated 24.3.2017 nor paid an amount of Rs. 5000/- to the complainant towards expenses on travel etc.

I have heard counsel for the parties, perused the paper book and the proceedings conducted by the Mediator in pursuance of order dated 24.3.2017.

While issuing notice of motion on 21.12.2016, it was recorded in view of contentions raised by counsel for the petitioner that the petitioner is ready to settle the dispute amicably and prays that the matter may be referred to the Mediation. Vide order dated 15.2.2017, the complainant was ordered to be impleaded as a party with a direction to the petitioner to file amended memo of parties in the Registry and notice was ordered to be issued to the complainant for 24.3.2017. A counsel caused appearance on behalf of the complainant on the adjourned date. The parties were referred to the Mediation and Conciliation Centre of the Court with a direction to appear there on 31.3.2017. A relevant extract from order dated 24.3.2017 reads as follows:-

“Mr. Narinder Kumar Awasthi, Advocate, has caused appearance on behalf of respondent No. 2

The parties were referred to Mediation and Conciliation Centre on an earlier occasion but no mediation could happen as the complainant did not join the proceedings. The petitioner and the complainant shall remain present before the Mediator in the Mediation and Conciliation Centre of the Court on 31.3.2017.

Awaiting report, to come up on 9.5.2017.

The petitioner shall pay an amount of Rs. 5,000/- to the complainant towards expenses on travel etc. on her first appearance before the Mediator.”

The Mediator in the order dated 31.3.2017/5.4.2017 has noticed that the petitioner was not present and counsel for the petitioner was requested to bring the petitioner on the next date of mediation i.e. 6.4.2017. Again on 6.4.2017, the petitioner was not present before the Mediator and counsel for the petitioner made a similar request and the proceedings were postponed to 21.4.2017. On 21.4.2017, neither the petitioner was present nor he was represented by a counsel and the proceedings were again adjourned to 4.5.2017 with an order that the petitioner and his counsel be informed telephonically about the date fixed. On 4.5.2017, there was no representation on behalf of the petitioner and the matter was ordered to be sent back.

Keeping in view conduct of the petitioner by abstaining from proceedings before the Mediator, it falsifies and belies plea of the petitioner that he is ready to settle the dispute, as per the contentions raised before the court for seeking an order of notice of motion and interim bail.

In view of the above, the petitioner has disintitiled himself to pre arrest bail, a concession to be allowed by the Court.

Dismissed.

(Rekha Mittal)
Judge

9.5.2017
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No