

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

**COCP No.1405 of 2018 (O&M)**

**Date of Decision: 12.07.2018**

**DEEPAK**

..... Petitioner

***Versus***

**SH. VIVEK CHAUDHRY, CJ(JD), JMIC, NARWANA, SBS NAGAR,  
JUDICIAL COURTS COMPLEX, NARWANA, DISTRICT JIND,  
HARYANA.**

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Gurdeepinder Singh Dhillon, Advocate  
for the petitioner.

Mr. Vikas Chatrath, Advocate *alongwith*  
the respondent - Mr. Vivek Chaudhary, JMIC, Narwana.

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**JASWANT SINGH, J. (ORAL)**

The petitioner is an accused in FIR No.19 dated 19.02.2011 for offences under Section 406, 498-A, 452, 323 and 34 of the Indian Penal Code, registered at the instance of the complainant-wife with Police Station (Sadar), Narwana, District Jind. During his period of stay in New Zealand and due to non joining of the investigation, he was declared a proclaimed offender vide order dated 24.10.2011. The trial *qua* the other co-accused i.e. mother and sister of the petitioner-husband resulted into their acquittal vide judgment dated 08.09.2014.

The petitioner had filed a criminal petition bearing *CRM-M-*

48627 of 2017, challenging the order dated 24.10.2011, passed by the *Illaq* Magistrate, declaring him a proclaimed offender, wherein, while issuing notice of motion, the petitioner was directed to be admitted to regular bail. Subsequently, vide order dated 28.02.2018 (**Annexure P-1**), the following interim order was passed in the aforesaid criminal petition:-

*“ Reply has been filed by the learned counsel for the respondent—State. The same is taken on record.*

*Learned counsel for the petitioner submits that in pursuance of the order dated 20.12.2017, the petitioner has appeared before the trial court, who has been released on bail. He further submits that this matter be referred to a Mediator as there is possibility of the dispute being settled amicably between the parties. Learned counsel for respondent No.2 has no objection to the proposal.*

*In view of the statements made by the learned counsel for the parties, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 19.3.2018.*

*In the meantime, the trial court is directed to adjourn the case beyond the date given by this Court. ”*

The present contempt has been filed with the allegations that the respondent/JMIC, Narwana has passed an order dated 20.04.2018 (**Annexure P-2**), whereby the bail of the petitioner was cancelled and the bail bonds forfeited, while issuing non bailable warrants for 05.06.2018.

Upon notice, a reply has been filed by the respondent.

After hearing learned counsel for the petitioner and scrutinizing the pleadings, this Court finds the explanation tendered by the respondent-officer to be sufficient to drop the present proceedings. The respondent does not deny that he was aware of the order dated 28.02.2018, however, on 20.04.2018, neither the counsel for the accused nor the accused came present

inspite of repeated calls to the counsel and also apprise the Court regarding the fate or continuation of the mediation proceedings. Even a perusal of the order dated 28.02.2018 (**P-1**) reveals that a direction to the trial Court was to adjourn the case beyond 19.03.2018, which was duly complied with and, therefore, it was incumbent upon the accused party to show the continuation of the order or at least present themselves before the trial Court to apprise regarding the pending mediation proceedings. In any case, no harm has been caused to the petitioner-accused as concededly this Court vide order dated 16.05.2018 had stayed the operation of the non bailable warrants. It is also admitted that the Criminal Miscellaneous No.48627 of 2017 is now listed before this Court on 31.07.2018, including the issue of non bailable warrants after the failure of the mediation proceedings. The petitioner would have full opportunity to pursue his legal remedy before the Court on the said date.

In view of the above, no further action in the present contempt is warranted.

**Disposed of.**

*Rule is discharged.*

**July 12, 2018**

*'rajneesh'*

**( JASWANT SINGH )  
JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |