

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16508-2018(O&M)

Date of Decision: 23.04.2018

Ravinder Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.S. Kahlon, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

This is the second attempt made before this Court under Section 438 Cr.P.C to secure concession of pre-arrest bail to the petitioner in case FIR No.0054 dated 6.4.2017 under sections 420, 34 I.P.C, registered at Police Station, Sadar Hoshiarpur, District Hoshiarpur.

The first petition i.e. CRM-M-27141-2017 was dismissed by this Court vide detailed order dated 10.1.2018 and which reads as follows:-

“The instant petition was preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.54, dated 06.04.2017, under Sections 420/34 IPC, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Notice of motion in the instant petition was issued on 07.09.2017 upon taking notice of the contention of the counsel representing the petitioner that he is willing to return an amount of Rs.14,25,000/- that he had received from the complainant as earnest money towards his share of sale of land measuring a total of 20 kanals and 15 marlas.

This Court had directed the parties to appear before the Mediation and Conciliation Centre of this Court and had granted ad interim protection in favour of the petitioner subject to his joining investigation.

Placed on record is a report dated 13.09.2017 of Mr. Kapil Kakkar, Mediator and which reflects that a settlement between the parties had been arrived at. The settlement agreement dated 13.09.2017 has also been placed on record.

Perusal of the settlement agreement would reveal that apart from other terms and conditions of the settlement between the parties, the petitioner had agreed to return a total amount of Rs.14,25,000/- to the complainant party on or before 25.10.2017.

As of today, the conceded position by counsel representing the the petitioner is that such amount has not been made good. Rather counsel pleads no instructions in the matter.

In the light of such circumstances wherein the petitioner having entered into a settlement before the Mediation and Conciliation Centre of this Court and having failed to honour his commitment, the prayer for concession of anticipatory bail cannot be accepted.

Petition is dismissed.”

While pressing for anticipatory bail in the instant petition counsel would submit that the petitioner is ready and willing to honor the settlement that had been entered into in the Mediation & Conciliation Centre of this Court.

On a specific query having been put to counsel as regards the amount which the petitioner is willing to pay upfront to the complainant to reflect his readiness and willingness, the response is that the petitioner as of today does not have the necessary funds and as such, some time would be required.

It may be noticed that as per settlement arrived at, petitioner was to make good the payment of Rs.14,25,000/- on or before 25.10.2017.

Till date the settlement has not been honored.

In the considered view of this Court, no intervention in the matter is required.

Conduct of the petitioner disentitles him from the concession of pre-arrest bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

23.04.2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No