

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

Crl. Misc. No. M-29357 of 2017 (O&M)

Date of Decision : January 17, 2018

Monika and othersPetitioners

Versus

State of Haryana and another..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Amit Alok, Advocate
for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Gaurav Mohunta, Advocate
for respondent No.2.

...

LISA GILL, J. (Oral)

This petition has been filed seeking anticipatory bail to the petitioners in FIR No. 145 dated 01.06.2017 under Sections 498-A, 506, 354-B, 406, 34 IPC registered at Police Station Julana District Jind.

At the time of issuance of notice of motion it was specifically submitted that the dispute was earlier settled between the parties in January 2017 and the petitioners are still ready and willing to abide by the terms and conditions of the settlement but the complainant backed out of the same. The complainant was impleaded as a party to this petition. Notice of motion was issued and interim relief afforded to the petitioners.

It was brought to the notice of the Court on the next date of hearing by learned counsel for respondent No.2 that the compromise arrived

at between the parties in January 2017 was scrapped and a fresh agreement was drawn up on 16.06.2017 whereby the amount of settlement was enhanced from ₹13 lakhs to ₹14.25 lakhs. Respondent No.2, it was stated, is ready and willing to abide by the terms and conditions of the settlement dated 16.06.2017. Learned counsel for the petitioners sought time to seek instructions in respect to the subsequent settlement drawn up on 16.06.2017 and the matter was adjourned for 10.11.2017.

Following order was passed on 10.11.2017 as no specific instructions were available with the learned counsel for the petitioners:-

“At the time of issuance of notice of motion the submission of learned counsel for the petitioners to the effect that they are still ready and willing to abide by the terms and conditions was noted. The complainant on appearance had stated that the terms and conditions had been again varied on 16.06.2017. Learned counsel for the petitioners was afforded time to seek instructions in respect to the settlement.

Today, no clear cut instructions are available with learned counsel for the petitioners. It appears that the petitioners are not in fact ready and willing to abide by the compromise arrived at between the parties. Learned counsel for the petitioners prays for a short adjournment.

On request, adjourned to 17.01.2018.

It is made clear that in case proper and clear instructions are not available with learned counsel for the petitioners, interim order dated 11.08.2017 may be vacated.”

Today, learned counsel for the petitioners initially sought an

adjournment but when this Court was not inclined to adjourn the case, it is submitted that the petitioners are not ready and willing to settle the matter with respondent No.2 as their image in society has been tarnished. He is unable to explain the statement on behalf of the petitioners made on 11.08.2017 to the effect that they are ready and willing to abide by the terms and conditions of the settlement.

Learned counsel for the State, on instructions from ASI Kuldeep, informs that though the petitioners have joined investigation pursuant to interim order dated 11.08.2017 they have not cooperated in the investigation and recoveries in this case have yet to be effected.

It is clear that the statement made on behalf of the petitioners on 11.08.2017 on the basis of which interim relief was afforded to them lacks *bona fide*. It was wrongly stated that the petitioners are ready and willing to abide by the terms and conditions of the settlement. Keeping in view the conduct of the petitioners, I do not find any ground whatsoever to grant the discretionary relief of anticipatory bail to the petitioners in this case.

Petition is accordingly dismissed. The amount of ₹10,000/- deposited by the petitioner as litigation expenses with the Registry of this Court be released to respondent No.2 against adequate proof of identity.

17.01.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No