

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

**CRM-M-4112-2018 (O&M)
Date of Decision: 10.12.2018**

Sanyog Prashar and another

....Petitioners

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ajay Singla, Advocate
for the petitioner(s).

Mr. Deepinder Brar, Addl. P.P., U.T. Chandigarh
assisted by HC Satyawar.

Mr. Dishant Tuteja, Advocate
for the complainant.

ANITA CHAUDHRY, J

Petitioners are seeking anticipatory bail in FIR No.98 dated 04.09.2017 registered under Sections 406/498-A IPC at Police Station Women Police Station, District Chandigarh.

This petition is pending since February, 2018. Notice of motion was issued. A request was made on behalf of the petitioners that they wanted to have a full and final settlement. Same prayer was made on the adjourned date and the arrest of the petitioner was stayed by the Coordinate Bench. The petitioners and the complainant were directed to appear in court in March, 2018. The Coordinate bench in the order dated 01.03.2018 noted the presence of the complainant and her husband and that settlement did not appear to be possible. It also noted that no recovery had been effected till

date and the petitioner was asked to join the investigation and interim order was continued.

On 20.04.2018, the petitioner's side had submitted that the petitioners had some property in Calcutta and they were ready and willing to hand over a sum of Rs.25 lakhs as full and final settlement of all the claims, in case the complainant was ready to part ways. It was also stated that the money was not available at that point of time but they would seek time to dispose of the property, so the case was adjourned for over a month. On the adjourned hearing, counsel for the petitioners stated that on the last date of hearing, the plot number was wrongly given and they were owner of Plot No.13 instead of Plot No.4A and they have got the property assessed and negotiations were going on and there were chances that the property would be sold. In May, 2018 an order was passed that in case the negotiations did not fructify then the matter would be adjudicated on merits and the case would not be further adjourned.

In August, 2018, on the request of the petitioner the matter was again adjourned for a week. The petitioner's son was directed to be present since there was no development and the property had not been sold. It was adjourned one last time for 12.11.2018. On 12.11.2018, a request for adjournment was again made by the petitioners and the case was adjourned for today and it was ordered that the petitioners would be present in the Court. The interim order was continued only till today. Meanwhile, the complainant placed on record some documents to show that the loan had been taken by the petitioner's son which were ultimately paid by the complainant's Uncle/Aunt who were joint in business with the father of the complainant.

The counsel for the petitioners states that the petitioners are the mother-in-law and father-in-law and they could not come today as they are not well. Counsel was asked to produce the medical certificate. He states that he has not received any certificate.

Counsel for the complainant points out that when the husband applied for anticipatory bail he had admitted that the jewellery was with them and it was lying in Calcutta where the parents stay and despite that statement in December, 2017 before the Additional Sessions Judge, Chandigarh, the jewellery was not returned and nor any amount in lieu thereof had been returned.

The couple were living in Gurugram in the house which was owned by the complainant's family. The allegations that the husband took a loan of Rs.12 lakhs and the loan were discharged by the complainant's family. The jewellery was in Calcutta where the petitioners reside. The petitioners have been seeking adjournments for the last 8 months and they had not returned the jewellery nor they have put in appearance despite directions. They have not cooperated in the investigation. In the investigation, they did not even disclose the whereabouts of their son and it has been noted in the order in the Court below.

Considering the above, I am not inclined to extend the interim order in their favour.

The petition is dismissed.

December 10, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No