

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

**Criminal Misc. No. M-43292 of 2016
Date of decision: 15.10.2018**

Soniya Wadhwa

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Amarinder Kaur, Advocate for
Mr. Hitesh Verma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent -State.

Mr. Gurmeet Singh, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

Vide order dated 21.12.2016, the parties were directed to appear before the Mediation and Conciliation Centre of this Court by considering the submissions made by learned counsel for the parties and the petitioner was admitted to interim bail. Thereafter, case was adjourned on various occasions on the ground that efforts are being made for effecting compromise. Ultimately, the matter was settled between the parties. Out of total amount of ₹1,65,00,000/-, an amount of ₹29,50,000/- has been paid. On the last date of hearing i.e. 24.09.2018, the petitioner undertook to pay 1/3rd of the remaining amount of ₹10 lacs within a period of one week but the amount has not been paid. It was also mentioned that in case, the amount is not paid within a period of one week, the interim order passed in favour of the petitioner shall stand vacated.

Learned counsel for the complainant submits that still an

amount of ₹1,35,50,000/- remains to be paid whereas learned counsel for the petitioner submits that the petitioner is not in a position to pay any amount and moreover, she is not the main accused.

The petitioner has not fulfilled the undertaking and interim order passed in her favour is still continuing because of different orders passed on various dates. It was specifically mentioned in order dated 24.09.2018 that in case, 1/3rd of remaining amount of ₹ 10 lacs is not paid within a period of one week, interim order passed in favour of the petitioner shall stand vacated. The petitioner was granted interim bail because of compromise arrived at between the parties and husband of the petitioner has also been granted interim bail because of interim order passed by this Court in favour of the petitioner.

No ground is made out to further continue the interim order and the present petition being devoid of any merit is dismissed.

However, the petitioner is at liberty to surrender before the trial Court and move an application for regular bail and in case, she surrenders before the trial Court within a period of one week from the date of receipt of certified copy of this order and moves an application for regular bail, the trial Court is directed to consider the same and pass necessary order in accordance with law within a period of one week thereafter.

15.10.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes