

203

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

CRM-M-9040-2018

Date of Decision: 20.04.2018

Rajender Singh Rajawat and anr.

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S.Sandhu, Advocate
for the petitioners.

Mr. Satish Saini,D.A.G., Haryana.

Mr. Pawan Singh, Advocate
for the complainant.

RAJ MOHAN SINGH J. (ORAL)

Perusal of order dated 20.03.2018 would show that a settlement with Bank was made and learned counsel for the petitioners on instructions from his party stated that one time settlement has been done between the parties for repayment of loan for a sum of *Rs.1,90,00,000/-* (Rupees One Crore Ninety Lakh) and out of the said amount, an amount of *Rs.1,00,15,000/-*(Rupees One Crore Fifteen Thousand only) has been paid.

Today learned counsel for the petitioners submitted that in fact one time settlement was for a sum of Rs. 1,90,00,000/- (Rupees One Crore Ninety Lakhs) but an amount of Rs.80,00,000/- (Rupees Eighty Lakhs)has been paid by the accused namely Prem Singh Chauhan and his wife Kusum Chauhan. Admittedly, the remaining amount has not been paid by the date which was fixed as per settlement i.e. 31.03.2018.

On 17.04.2018, the following order was passed:-

“ On 20.03.2018, following order was passed:-

“Learned counsel for the petitioners submits that the petitioners have settled the issue with the Bank in the context of re-payment of loan by way of one time settlement for a sum of Rs.1,00,90,000/- in total. Out of the said amount, an amount of Rs.1,00,15,000/- has already been paid. Remaining amount is to be paid by 31st March, 2018. Learned counsel seeks time to place on record the schedule of payment as agreed between the parties in the aforesaid one time settlement. Notice of motion for 17.04.2018. In the meanwhile, arrest of the petitioners shall remain stayed.”

Learned counsel appearing on behalf of the complainant submits that a wrong statement was made on behalf of the petitioner on 20.03.2018. In fact, one time settlement was done by the bank for a total sum of Rs.1,90,00,000/-. Nothing was paid by the

petitioners, rather an amount of Rs.80,00,000/- was paid by the co-accused Prem Singh Chauhan and his wife. The remaining amount was to be paid by 31.03.2018 and the same has not been paid as yet. It appears that the petitioners have violated the order. Learned counsel for the complainant further states that target date beyond 31.03.2018 is not extendable. For further consideration, adjourned to 20.04.2018.”

Evidently, the petitioners have not complied with the terms of settlement, the target date fixed in the settlement is not extendable as per the stand taken by the learned counsel for the complainant.

In view of the above, no indulgence can be granted in terms of Section 438 Cr.P.C..

Petition is accordingly dismissed.

20.04.2018
Seema

(RAJ MOHAN SINGH)
JUDGE

Whether Yes No
speaking/reasoned :

Whether Reportable : Yes No