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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2502/2016

VICKY SINGH & ORS.

..... Petitioners

Through: Mr. Manmohan Singh proxy counsel

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for the State
with SI Mahendra, PS Adarsh Nagar.
Mr. Ajayinder Sangwan, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.09.2018

The involvement of the petitioners has been alleged in two criminal cases including the one arising out of FIR No.314/2013 of Police Station Adarsh Nagar, involving offences punishable under Sections 420/467/468/471/120-B/34 IPC, the other being FIR No.111/2013 also of Police Station Adarsh Nagar involving similar offences.

Applications for bail (No.10209 and 10210) had been moved in the court of Sessions which came for consideration before Additional Sessions Judge, North-Delhi on 09.12.2014, the prayer on behalf of the petitioners being with reference to the settlement of the dispute as had been statedly arrived at before the Mediation Centre on 04.12.2014. The Additional Sessions Judge recorded the statements of the concerned parties including the first petitioner, the latter in his statement, at that stage referring to the mediation settlement (Ex.CW-1/A), requesting that the same may be read as

part and parcel of his statement and he to be granted bail, subject to compliance of the terms and conditions as laid down therein, giving undertaking that he would comply with the said terms and conditions. The Additional Sessions Judge, by his order dated 09.12.2014, accepted the request and granted relief of release on bail to the first petitioner, directing him to comply with the said conditions.

It is not disputed that the terms and conditions of the settlement were not complied with. This led to application being moved for cancellation of the bail granted to the first petitioner, the said request being granted by the Additional Sessions Judge by subsequent order dated 03.06.2015.

The order dated 03.06.2015 was assailed by CrI.M.C.2528/2015 before this court. The petition was found to be devoid of substance and after the court had recorded adverse observations, the petitioner chose to withdraw the said petition, though taking liberty to take recourse in accordance with law. The first petitioner thereafter brought a criminal revision petition – CrI.R.P. No.360/2015 which was also withdrawn and dismissed accordingly, by order dated 01.07.2015, liberty having been granted to him to approach the trial court.

It appears the present petition thereafter was filed challenging the first order dated 09.12.2015 primarily on the submissions that the petitioner had not given his consent for such conditions to be imposed. This contention clearly is against the record, the Additional Sessions Judge having taken care to formally record his statement to such effect.

On the last date, *i.e.*, 08.08.2018 it was brought to the notice of this court by Additional Public Prosecutor that the first petitioner has absconded

and has since been declared proclaimed offender in the case by the trial court.

No contentions to the contrary have been made on behalf of the petitioners. On being asked, the counsel present on his behalf submits he is not aware.

In the above facts and circumstances, the petition cannot be entertained to grant any relief. It is dismissed.

R.K.GAUBA, J.

SEPTEMBER 27, 2018

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