

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-235-2018

Date of Decision:12.09.2019

Kavita Soni

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Ramesh Goyat, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for quashing/cancellation of order dated 12.06.2017(Annexure P-5), whereby on an application filed by respondent No.2 for anticipatory bail before learned Additional Sessions Judge, Hoshiarpur, respondent No.2 was granted interim bail.

Vide order dated 12.06.2017, learned Additional Sessions Judge, while issuing notice to the State for 05.07.2017 had granted interim bail to respondent No.2.

No one is present on behalf of the petitioner. Even on the last date of hearing, despite the case having been passed over, none had put in appearance on behalf of the petitioner. Further, vide order dated 15.01.2019,

on the joint request of learned counsel for the parties that there is chance of

amicable settlement between the parties, the matter was sent to the Mediation Centre by this Court. However, as per report received from the Mediator dated 31.01.2019, since the petitioner did not appear before the Mediator, mediation could not take place. Thereafter, the Mediator adjourned the case for 12.02.2019. Even on 12.02.2019, the Mediator has reported that in the absence of the petitioner, mediation is not possible. The conduct of the petitioner does reflect that she is not interested to come for mediation even.

Learned counsel for respondent No.2 has argued that the order dated 12.06.2017(Annexure P-5) was only interim and the petitioner has not challenged the final order dated 09.02.2018(Annexure P-11), whereby interim order dated 12.06.2017(Annexure P-5) was made absolute. He further states that even otherwise, the matter has been investigated, challan presented and charges have been framed, and one witness has already been examined in the case, whereas two prosecution witnesses have been examined in chief. As regards prayer of the petitioner for cancellation of anticipatory bail granted to respondent No.2, this Court finds that non-appearance of the petitioner before this Court as well as before the Mediator despite there being direction by this Court does reflect that the petitioner has lost interest in the case. Moreover, prayer in this case is for cancellation of interim anticipatory bail, but in the case in hand even trial has already began and some PWs have been examined.

Dismissed for non-prosecution.

September 12, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No