

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

CRM-M-46098-2017 (O&M)

Date of Decision: January 17, 2019

Balwinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sachin Ohri, Advocate
for the petitioner.

Mr. D. S. Sukarchakia, DAG, Punjab
for respondent No. 1.

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 439(2) read with Section 482 of Cr.P.C for cancellation of anticipatory bail that was allowed to respondent No.2- Parvinder Kumar alias Kashyap by this Court by order dated 23.10.2017.

A few facts required to be noted for proper adjudication by this Court are that FIR No.64 dated 14.11.2016 under Section 498-A/34 IPC at Police Station Sadar Gurdaspur, District Gurdaspur came to be registered at the behest of Balwinder Kaur w/o Parwinder Kumar alias Kashyap, respondent No.2 herein. After the FIR had been registered, Parwinder Kumar alias Kashyap approached the High Court for seeking grant of

anticipatory bail and the matter was referred to the Mediation and Conciliation Centre of this Court to try and resolve the dispute between the parties amicably. On the intervention of the Mediator, a settlement agreement dated 11.09.2017 came into effect wherein it was decided that the parties would live together as husband and wife at the residence of the husband and the complainant would accompany her husband in order to start residing together. Other terms were also settled in the said agreement. On the basis of the settlement agreement arrived at between the parties, the anticipatory bail was confirmed by order dated 23.10.2017.

Learned counsel for the petitioner herein contends that when the petitioner went to reside in her matrimonial home, she was thrown out once again on the ground that the compromise had been arrived at only to secure the anticipatory bail. She was abused and asked to go back to her parental home. It is contended that it is on account of failure on the part of respondent No.2 to comply and adhere to the terms of the settlement agreement arrived at before the Mediation and Conciliation Centre of the High Court that a necessity has arisen for filing the instant petition for cancellation of the bail.

Notice of the said petition was issued and Mr. Inderjit Sharma, Advocate put an appearance on behalf of respondent No.2 and filed his power of attorney, which was taken on record. Subsequently on 20.02.2018 another request was made at the behest of respondent No.2 and the matter was again adjourned and thereafter some more time was allowed to the said respondent to file reply. The matter was eventually taken up by this Court on 28.09.2018, on which date on request of learned counsel for the

respondent, the case was adjourned for hearing on 17.01.2019. While adjourning the said case it was made clear that last opportunity was granted to address arguments failing which the orders allowing bail were supposed to stand automatically revoked.

The case is called today and it is 03.30 p.m. and there is no appearance on behalf of Mr. Inderjit Sharma, the counsel appearing on behalf of respondent No.2, though he was present in this very Court to argue another matter which was listed at Sr. No.117.

In view of the fact that there is no representation on behalf of respondent No.2 despite last opportunity, the anticipatory bail granted to respondent No.2- Parvinder Singh alias Kashyap vide order dated 23.10.2017 stands cancelled on the ground that the compromise arrived at was only to hoodwink the Court and such action cannot be countenanced.

Petition stands allowed.

January 17, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No