

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

CRM-M-41339 of 2019.

Decided on:- December 05, 2019.

Gurpeet Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Manpreet Kaur, Advocate for
Ms. Bandana Dogra, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Vivek Gupta, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Petitioner Gurpreet Singh, who is presently residing in Italy, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.196 dated 20.12.2018 under Sections 498-A, 406 and 354-A IPC registered at Police Station Dasuya, District Hoshiarpur.

It would be relevant to mention here that the petitioner has filed this petition through his cousin brother and special power of attorney (SPA) Gurmeet Singh son of Satpal Singh, resident of village Mohadian, District Fatehgarh Sahib.

Power of attorney filed on behalf of respondent No.2 in Court, is taken on record.

On September 26, 2019, this Court had passed the following order:

“Learned counsel for the petitioner states that the present petition has been filed through attorney as the petitioner-husband is residing in Italy as on date. She further states that she has got instructions from her client that the petitioner-husband is ready to come back to India and to settle the dispute with the complainant-wife.

On the oral request of learned counsel for the petitioner, complainant Manpreet Kaur is ordered to be impleaded as respondent No.2.

Learned counsel for the petitioner is directed to file amended Memo of Parties before the Registry within three days from today.

Notice of motion.

Process Dasti only.

The petitioner and respondent No.2 are directed to appear before the Mediation and Conciliation Centre of this Court on 05.11.2019. However, the petitioner shall pay a sum of Rs.25,000/- to respondent No.2 on her causing appearance before the aforesaid Centre as litigation expenses, which shall be a condition precedent for initiation of mediation proceedings.

For awaiting report, list on 05.12.2019.

Considering the fact that the petitioner is ready to settle the dispute with his wife and it being a matrimonial matter, till next date of hearing, arrest of the petitioner shall remain stayed,

provided the petitioner comes back to India within one month from today so as to face the mediation proceedings.

It is made clear that the mediation proceedings shall be attended by the petitioner-husband in person.”

Perusal of the aforesaid order shows that the petitioner was directed to attend the mediation proceedings in person. However, the report dated 05.11.2019 received from the Mediator shows that the petitioner did not appear there, rather, his mother Kamaljit Kaur and his special power of attorney Gurmeet Singh appeared before the Mediator. Even the amount of Rs.25,000/- as ordered by this Court vide order dated 26.09.2019 was not paid to respondent No.2 towards litigation expenses. Thus, the Mediator has reported that in the absence of the petitioner in person, the mediation is not possible and the file has been sent back to this Court for further adjudication.

It is clear from the aforesaid report of the Mediator that despite having the interim relief of stay of his arrest, the petitioner has not joined the mediation proceedings, rather, respondent No.2 had appeared before the Mediator. Even the petitioner has not paid the amount of Rs.25,000/- to respondent No.2 towards litigation expenses, as ordered by this Court on 26.09.2019. Therefore, this Court finds that the petitioner has taken the court proceedings in a very casual manner.

Accordingly, the present petition is dismissed with costs of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority, Hoshiarpur. Besides this, he shall also pay a sum of Rs.25,000/- to respondent No.2 towards litigation expenses, as ordered by this Court on 26.09.2019.

It is made clear that in case the petitioner fails to deposit the receipt of payment of aforesaid costs as well as litigation expenses before the Registry of this Court within one month from today, bailable warrant against the petitioner be issued for 20.02.2020.

December 05, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No