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

+ **BAIL APPLN. 2306/2019**

JAMIL A. KHAN

..... Petitioner

Through Mr Rakesh Tikku, Senior Advocate with
Mr Asghar Khan, Mr Abdul Tahir Khan,
Mr Shabana Yasmin, Mr Tari Nasir, Mr Zakia
Mehdi, Mr Lokesh Bhardwaj, Advocates.

versus

STATE

..... Respondent

Through Ms Kusum Dhalla, APP for State.
SI Nupendra Kumar, P.s. New Ashok Nagar,
Delhi.

Mr Arun Khatri, Mr Sushant Chauhan, Advocate
for complainant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

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16.09.2019

CRL.M.A. 35910/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that anticipatory bail be granted to the petitioner in FIR No. 05/2018 under Section 420/406/34 IPC registered at P.S. New Ashok Nagar, Delhi.
4. Mr Rakesh Tikku, learned Senior Counsel appearing for the petitioner states that the petitioner had been granted anticipatory bail on the basis of a

settlement arrived at between the petitioner and the complainant and the said anticipatory bail had been cancelled because the petitioner did not comply with the settlement arrived at. He also states that compromise was arrived at on three separate occasions. It is seen from the averments made in the petition that at least on two occasions the petitioner did not live up to its obligations; consequently, the anticipatory bail granted to the petitioner was cancelled. It is contended by Mr Tikku that even if the compromise between the parties had failed, it was incumbent upon the Trial Court to examine the petitioner's application on merits and decide the same.

5. This Court is not inclined to grant any relief to the petitioner for two reasons: First of all, the petitioner had on at least two occasions arrived at settlement and, on both occasions, he has failed and neglected to comply with his obligations. Such a litigant is not worthy of any indulgence from this court.

6. Secondly and more importantly, it is seen that the Trial Court has examined the petitioner's request on merits and it had accepted that custodial interrogation of the petitioner was necessary and, therefore, has declined the anticipatory bail by an order dated 05.09.2019. In this view, Mr Tikku's contention that his application has not been examined on merits is unmerited.

7. In view of the above, the petition is dismissed.

VIBHU BAKHRU, J

SEPTEMBER 16, 2019

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