

206.

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

CRM-M-28744-2021

Date of Decision: 28.09.2021

(Heard through VC)

SHANTI DEVI AND OTHERS

.... Petitioners

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Rakesh Nehra, Senior Advocate, with
Mr. Atul Ravish, Advocate,
for the complainant.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.29, dated 05.05.2021, registered under Sections 323, 354A, 354B, 406, 498A, 377, 506, 34 of IPC, at Women Police Station, Bhiwani.

In brief, the facts are that the FIR came to be registered at the behest of the complainant alleging cruelty and misappropriation of *stridhan*. The matter was in fact compromised between the parties and in terms of the compromise, an amount of Rs.22 lakhs was to be transferred in the account of the complainant. As the said compromise was not adhered to, the

anticipatory bail application stood dismissed by the Additional Sessions Judge, Bhiwani vide order dated 15.07.2021. After the rejection of the anticipatory bail, the instant petition came to be filed. Counsel appearing on behalf of the petitioners, at the very outset, submitted that they had been falsely implicated in the said matter and that they were ready and willing to join the investigation. However, a reading of the order declining bail to the petitioners would reflect that the matter had already been compromised between the parties, pursuant to which compromise, an amount of Rs.22 lakhs was to be handed over to the complainant. There was a direction for the compromise to be placed on the record. The matter was thereafter taken up for hearing on 10.08.2021 when the counsel for the petitioners, on instructions from the petitioners, submitted that they were ready and willing to abide by the terms of the compromise. Appearance had also been caused on behalf of the complainant by a counsel who submitted that the petitioners should deposit an amount of Rs.22 lakhs at the very outset to show their bona fides. The arrest of the petitioners was stayed making it clear that in case the amount of Rs.22 lakhs is not deposited, the interim protection granted to the petitioners would be automatically vacated. The matter was posted for the aforesaid purpose on 31.08.2021, on which date, the matter could not be taken up and was adjourned 'by order' for today. There was, however, no mention on behalf of the petitioners regarding deposit of any amount.

Mr. Nehra, learned senior counsel appearing on behalf of the complainant, would submit that once again the petitioners herein have failed

to adhere to the terms of the compromise and the statement given in court that the amount of Rs.22 lakhs as settled for the compromise would be deposited in court.

I have perused the pleadings and the orders passed.

On account of a statement given on 10.08.2021, the arrest of the petitioners had been stayed conditionally, that is, in case the petitioners deposit Rs.22 lakhs in terms of the compromise arrived at.

Neither the counsel for the petitioners has appeared on the last two occasions nor the amount paid.

This Court does not find any merit in allowing the petitioners any relief in the instant matter. Consequently, the present petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

28.09.2021
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No