

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.30634 of 2019(O&M)
Date of Decision: 23.04.2021

Simarpreet Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Vipul Babuta, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

[1]. The case has been taken up for hearing through vide conferencing.

[2]. The petitioner seeks grant of anticipatory bail in case bearing FIR No.36 dated 08.06.2019 registered under Sections 498-A and 406 IPC at Police Station Women Cell, Jalandhar.

[3]. Interim protection was granted to the petitioner vide order dated 22.07.2019 with a clear understanding that the direction would not be construed as bestowing upon the petitioner any right to join the investigations. Thereafter, interim direction was made to continue. On 01.04.2021, the matter was taken up by this Court after noticing some facts on record and following order was passed:-

“Petitioner seeks grant of anticipatory bail in case bearing FIR No.36 dated 08.06.2019 registered under Sections 498-A, 406 IPC registered at P.S. Women Cell, Jalandhar.

On 22.07.2019, matter was referred to the Mediation and Conciliation Centre of this Court. On the statement of learned counsel for the petitioner both the parties were directed to appear before the Mediation and Conciliation Center of this Court and interim order was passed thereby directing the Police not to take coercive action against the petitioner.

However, it was made clear that the direction would not be construed as bestowing upon the petitioner any right to join the investigation. Thereafter interim protection dated 22.07.2019 was ordered to continue when the matter was again referred to the Mediation and Conciliation Center in the light of the report of the Mediator dated 05.09.2019.

Interim order was made to continue even at a later stage.

In view of report submitted by Mediator, the

parties could not resolve their dispute and case has been sent back to this Court. In the CRM No.9178 of 2021 filed by respondent No.2 an allegation has been made that the petitioner is selling his immovable property at random so as to create impediment in the way of the respondent-wife to recover arrears of maintenance in different litigations. On 31.03.2021, notice in the aforesaid application was issued.

Learned counsel for the petitioner appeared and sought time to file reply in order to refute the allegations contained in the application.

Reply has been filed in Court wherein the factum of selling the house in the year 2019 has been admitted, but in the context of warding of the dues arising towards the liability of the secured and unsecured creditors. Learned counsel for the complainant/respondent No.2 submits that as on date, the petitioner is in arrears of about 7,50,000/- arising out of proceedings under Domestic Violence Act and petitioner has not cared even to pay single penny towards maintenance of the respondent and minor son.

Learned counsel for the complainant has also relied upon conditional warrants issued to the petitioner in execution of the order passed under Domestic Violence Act.

Learned counsel for the petitioner on instructions from his client has shown his readiness to pay Rs. 2 lakhs within 2 weeks from today.

Adjourned to 23.04.2021.

Interim order to continue till the next date of hearing.”

[4]. Now CRM No.12501 of 2021 has been filed by the petitioner for extension of time for payment of Rs.1 lac in favour of the complainant on the premise that he could not arrange the funds.

[5]. Perusal of the record would show that the parties could not resolve their dispute even before Mediation and Conciliation Centre, where the case was tried for the same.

[6]. On the other hand, respondent No.2 had to file CRM No.9178 of 2021 by alleging that the petitioner is involved in selling his moveable properties at random so as to create hurdle in favour of the respondent wife to recover arrears of maintenance in different litigations.

[7]. During course of hearing on 01.04.201, the factum of selling the house in the year 2019 was admitted, but learned counsel for the petitioner submitted that the house was sold in order to ward off the dues arising towards liability of the secured and unsecured creditors. Petitioner was in arrears of an amount of Rs.7,50,000/- arising out of the proceedings under Domestic Violence Act. He did not pay even a single penny towards the maintenance of the respondent and minor son. When conditional warrants of arrest of the petitioner were issued in

execution of the order passed under Domestic Violence Act, he came to the Court.

[8]. Learned counsel for the petitioner showed his willingness to pay an amount of Rs.2 lacs within two weeks from 01.04.2021 and on that score, interim protection was made to continue till the next date of hearing i.e. today.

[9]. Evidently, the petitioner has not honoured the commitment made before this Court, rather has prepared a draft in a sum of Rs.1 lac in the name of his wife by retaining the original with him.

[10]. Learned counsel for the complainant submits that despite selling House No.218 situated in Model House near Gurdwara, Ludhiana, the petitioner is still showing his place of residence in that house in the affidavit dated 23.04.2021 filed in support of CRM No.12501 of 2021.

[11]. Faced with this situation, learned counsel for the petitioner submits that House No.218, Model House, near Gurdwara, Ludhiana has been shown only on the basis of affidavit filed in support of the petition, however, he admits that the aforesaid house had already been sold by the petitioner in the year 2019.

[12]. Having considered the aforesaid facts, I find that the petitioner has not come to the Court with clean hands, rather he

intends to project baseless grounds for seeking indulgence from this Court. A person who has not come to the Court with clean hands, deserves no equitable relief from the Court.

[13]. For the reasons recorded hereinabove, the present petition stands dismissed.

23.04.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No