

202.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35150-2020 (O&M)

Date of decision: 18.02.2021.

JASWINDER SINGH ALIAS SUKHDEEP SINGH ... Petitioner

versus

STATE OF PUNJAB & ANR. Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. Manreet Singh Nagra, AAG, Punjab,
for respondent No.1.

Mr. Beant Singh Seemar, Advocate,
for the complainant-respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner-Jaswinder Singh alias Sukhdeep Singh in case FIR No.0151 dated 07.12.2018 registered under Sections 406, 498-A IPC at Police Station Women, District Police Commissionerate, Ludhiana.

The earlier petition i.e. **CRM-M-15252-2019** filed by the petitioner along with other co-accused, namely, Gurmail Singh and Jaspal Kaur (parents of the present petitioner) seeking anticipatory bail in the case was dismissed as not pressed qua the petitioner for the reason that there were three other FIRs registered against him i.e. FIR No.122 dated 25.06.2004

under Sections 384, 506, 34 IPC, Police Station Bagha Purana, District Moga, FIR No.18 dated 16.02.2009 under Sections 382, 34 IPC, Police Station Nihal Singh Wala, District Moga and FIR No.0148 dated 01.11.2018 under Sections 420, 406, 120-B IPC, Police Station Dayalpura, District Bathinda.

The present being a matrimonial dispute between the parties, this Court vide order dated 02.11.2020 had referred the matter to the Mediation and Conciliation Centre, District Court, Ludhiana whereby the petitioner and respondent No.2 were required to appear on 23.11.2020 and the petitioner was required to pay a sum of Rs.20,000/- to the respondent as litigation expenses. Thereafter, instead of joining the mediation and to deposit Rs.20,000/- as litigation expenses, the petitioner moved CRM-30289-2020. The said application was dismissed as withdrawn vide order dated 15.12.2020 and directed the parties to appear before the Mediation and Conciliation Centre, District Court, Ludhiana on 07.01.2021 to get their statements recorded in terms of order dated 02.11.2020. However, it was made clear that while appearing before mediation, the petitioner shall deposit Rs.20,000/- with the Mediation and Conciliation Centre, District Court, Ludhiana as directed earlier by this Court and it is after deposit of aforesaid amount, the Mediator would start the mediation proceedings. The petitioner has neither deposited the litigation expenses nor has appeared before the Mediator and instead of joining the mediation, the petitioner has moved CRM-500-2021 with a prayer that the parties may be directed to appear before the Mediation and Conciliation Centre of this Court i.e. Chandigarh instead of Ludhiana. Interestingly, even on the date when the

not deposited the litigation expenses. On 16.02.2021, when the case was listed before this Court, the following order was passed:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Counsel for the complainant submits that after getting interim from this Court, petitioner is intentionally avoiding mediation. He is also in arrears of maintenance.

Adjourned to 18.02.2021.

Parties are directed to remain present on the adjourned date through video conferencing.

Meanwhile, the petitioner shall clear the outstanding maintenance, if pending against him. He will file an affidavit regarding the clearance of arrears of maintenance.”

As directed by this Court, though respondent-complainant is present in person through video conferencing, but petitioner has not opted to come present through video conferencing.

Learned counsel for the petitioner submits that he has made all sincere efforts and has informed the petitioner to remain present, but he is not coming forward and is not present. He has neither joined the mediation nor has deposited the litigation expenses in terms of order dated 02.11.2020 passed by this Court.

Various orders have been passed by this Court and the petitioner has not acted upon those orders. Neither he has paid the litigation expenses and outstanding maintenance to respondent No.2 nor he is present through video conferencing. He even failed to deposit the litigation expenses in terms of order dated 02.11.2020 passed by this Court.

On account of non-presence of the petitioner, this Court has no

However, in case the petitioner deposits the litigation expenses within one month from today and submits an undertaking that he has cleared the maintenance till date to the complainant, he would be at liberty to seek revival of the present petition, however, that would be further subject to deposit of Rs.10,000/- with the High Court Bar Association in the Lawyers' Welfare Fund.

(HARI PAL VERMA)
JUDGE

18.02.2021
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No