

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-55725-2019(O&M)

Date of Decision: 17.09.2021

(Heard through VC)

Sanjay Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajesh Bansal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Som Nath Saini, Advocate,
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr. P. C. for grant of pre-arrest bail to the petitioners in case FIR No. 437 dated 23.05.2019 under Sections 406 and 498 A IPC, registered at Police Station City Thanesar, District Kurukshetra.

Vide order dated 13.1.2020, petitioner and respondent No. 2 had been directed to appear before the Mediation and Conciliation Centre of this Court on 30.01.2020 with a direction for the petitioner to pay a sum of Rs.22,000/- to respondent No. 2 towards litigation expenses which was a condition precedent for initiating the mediation proceedings.

A perusal of the report, submitted by the Mediation and Conciliation Centre of this Court, would however reflect that the matter was taken

up on the date so fixed by the Mediator but on said date the petitioner did not put in appearance whereas the respondent No. 2 was present. Same was the situation on the next dates of hearing i.e. 17.02.2020 and 02.03.2020. The order dated 13.01.2020 wherein the petitioner had been directed to pay an amount of Rs. 22, 000/- to the respondent No. 2 towards litigation expenses has also not been complied with.

At this stage, learned counsel for the petitioner would contend that he is not able to contact the petitioner. He further submits that the petitioner was duly informed about the order so passed regarding joining the mediation process and making payment of Rs. 22,000/- as litigation expenses, however, thereafter, the petitioner has not bothered to contact him.

On the other hand, learned State counsel, on instructions from ASI Pawan Kumar, would submit that though the petitioner has joined the investigation but no recovery has been effected so far.

In view of fact that there is non-compliance of the order dated 13.01.2020 wherein the parties had been referred to the Mediation and Conciliation Centre of this Court and the fact that the litigation expenses have also not been paid, I am not inclined to exercise discretion in favour of the petitioner, consequently, the petition stands dismissed.

17.09. 2021

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(JAISHREE THAKUR)
JUDGE

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