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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4286-2020 (O&M)
Date of Decision:01.02.2022

Prem Chand Dhiman

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Puja Chopra, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Raman Mohinder Sharma, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.0211 dated 19.11.2019, registered under Sections 420 and 120-B IPC, 1860 at Police Station Anaj Mandi, District Patiala (Annexure P-1). The petitioner apprehends his arrest at the hands of Police, in the above FIR.

The allegations contained in the FIR and noticed by the ld. Sessions Judge, Patiala in the order dated 06.12.2019 read as under:

“...As per the prosecution allegations, the applicant accused executed two sale deeds each of which relates to plot measuring 100 square yards, in favour of the complainant for ₹11,20,000/-. He has executed the said sale deeds while acting as attorney of his wife Pushpa Devi. Lateron, it was found that Smt. Pushpa Devi did not own any land. Applicant-accused executed the said sale deeds by taking advantage of the fact that the land which had been left for streets etc. while selling the plots to the other persons, was still standing in the name of Pushpa Devi in the revenue record. Moreover, there is allegation that applicant-accused provided a fake jamabandi showing the sanction of mutation in the name of the vendee. Neither the applicant-accused has been able to

deliver the possession of the plot to the vendee nor he is ready to return the sale consideration...”

When the matter was taken up on 31.01.2020, the petitioner had expressed his willingness to return the amount received from the complainant, as the cheques issued by him in favour of the complainant had dishonoured. Thereafter, the petitioner was directed to join the investigation vide order dated 10.02.2020. Upon hearing the learned counsel for the parties on 07.09.2021, the following order was passed:

“Learned counsel for the complainant has produced the orders dated 07.01.2017 passed by JMIC, Patiala, whereby the petitioner was declared as a proclaimed offender in a complaint case No. 754 of 2016 titled as Hans Raj Mehta Vs. Prem Chand and the order dated 28.08.2020, whereby application for pre arrest bail in case FIR No. 94 dated 10.06.2020, under Sections 406 & 420 IPC, Police Station Anaj Mandi, District Patiala was dismissed by this Court considering his antecedents.

At this stage, learned counsel for the petitioner as well as the learned counsel for the State pray for time to seek instructions regarding the status of the said cases.

Adjourned to 15.09.2021.”

During the pendency of the petition, the learned counsel representing the petitioner had expressed the possibility of compromise and on 16.11.2021, it was stated that the dispute between the parties has been amicably settled and a sum of Rs.10 lacs is to be paid to the complainant in four installments. It was further assured that a sum of Rs.2.5 lacs would be paid to the complainant within a week.

Considering the stand of the parties, they were relegated to the Mediation and Conciliation Centre at District Court Patiala, however, the petitioner has failed to comply with the order dated 16.11.2021, as he did not join the mediation and conciliation process.

During the course of hearing, it is not disputed by learned

counsel that the petitioner is involved in other cases and is a proclaimed

offender in one such case bearing complaint case No.754 of 2016 titled as Hans Raj Mehta Vs. Prem Chand. The report from the mediator also reveals that the petitioner has remained continuously absent, therefore, the case was sent back to this Court, as the mediation was unsuccessful.

Considering the above background, particularly the conduct of the petitioner, who has been mischievously raising the ground of compromise, this Court is of the opinion that he deserves to be saddled with a costs.

Resultantly, without expressing any opinion on the merits of the case, the petition is dismissed with a costs of Rs.25,000/- to be deposited with the Institute of Blind, Sector-26, Chandigarh within a period of two months, failing which the Chief Judicial Magistrate, Patiala shall ensure the recovery and deposit of the costs, in accordance with law.

01.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No