

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

101

CRM-M-6364-2019 (O&M)

Date of Decision: 04.04.2022

LAKHWINDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. SS Momi, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

Mr. Gautam Dutt, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.492 dated 27.12.2018, registered under Sections 406, 420 and 506 IPC, at Police Station Hathin, District Palwal.

Vide order dated 11.02.2019 passed by a Coordinate Bench of this Court, the interim protection was granted to the petitioner and he was directed to join the investigation and also to produce the relevant record. Thereafter, the interim protection granted to the petitioner was extended from time to time.

On 22.08.2019, it was stated by the learned counsel for the petitioner that the matter had been compromised between the parties. The said factum was not disputed by the learned counsel for the complainant. Accordingly, the order granting interim bail to the petitioner was made absolute. However, liberty was granted to the complainant to file an

application in case the petitioner resiled from the compromise.

On 06.03.2020, on an undertaking given by the learned counsel for the petitioner that the petitioner would pay a sum of Rs.9,40,000/-, the matter was referred to the Mediation and Conciliation Centre of this Court and interim protection granted to the petitioner was extended. Thereafter, the case was adjourned several times awaiting the report of the Mediator.

On 01.11.2021, the parties were again directed to appear before the Mediation and Conciliation Centre of this Court, to explore the chances of settlement, if any.

On 14.03.2022, learned counsel for the complainant had raised a serious objection contending that the petitioner had not complied with the terms and conditions of the compromise and also the undertaking given by his counsel on 06.03.2020. Thereafter, again opportunities were granted to the petitioner to comply with the terms of the compromise.

At this stage, learned counsel for the petitioner submits that the petitioner is a Lawyer. It is further submits that merely because the matter pertains to the monetary transaction, it is no ground to deny the concession of bail to the petitioner. In support of his arguments, he relies upon the order passed by Hon'ble Supreme Court in G. Selvakumar vs. The State of Tamil Nadu etc., (2021) 1 SCC (Cri) 432.

I have heard the learned counsel for the parties.

Admittedly, the petitioner had availed, as many as, nine opportunities to make payment of Rs,9,40,000/-, as was undertaken by

him on 06.03.2020 and also to comply with the terms of the compromise arrived at between the parties.

It may be noticed that the petitioner himself had undertaken to pay the aforesaid amount. However, the fact remains that the petitioner despite having availed of umpteen number of opportunities, failed to pay the said amount and honour the terms of the compromise entered between the parties.

Coming to the merits of the case, it may be noticed that when vide order dated 11.02.2019, the Coordinate Bench, granted the relief of ad-interim anticipatory bail to the petitioner, there was no condition that the said relief was subject to payment of any amount to the complainant. It was only during the pendency of the petition, the petitioner himself and of his own will entered a compromise with the complainant and accordingly, another Coordinate Bench of this Court, while making the interim bail absolute vide order dated 22.08.2019, had noticed in the order that the matter stood compromised between the parties and the petitioner had furnished three post dated cheques to the complainant. There being no pressure or influence of any kind upon the petitioner, while entering the said compromise, would make it clear that the petitioner himself admits his liability.

Thus, having admitted the liability and persuaded this Court to grant the relief of anticipatory bail to the petitioner, the petitioner is not expected to backtrack and any such action would be construed as an abuse of process of law and interference in the administration of justice.

In view of the above, this Court finds no justification to grant any further indulgence to him. No further orders are called for.

Dismissed.

04.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No