

CRM-M-7195-2020

Date of decision: 15.09.2022

HARPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Dhaliwal, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Navjeet Singh, Advocate for respondent No.2/complainant.

VIVEK PURI,J. (ORAL)

Petitioner is seeking anticipatory bail in the case bearing FIR No.13 dated 15.07.2019, under Sections 406/498-A IPC, registered at Women Police Station, Ludhiana (Rural).

Learned counsel for the petitioner contends that the present FIR is an outcome of the matrimonial dispute and consequently, he becomes entitled to pre-arrest bail.

The history of the case is required to be looked into to adjudicate the claim of the petitioner for anticipatory bail. The matter came up for hearing at the first instance on 18.02.2020 on which date, the matter was referred to Mediation and it was also directed that the petitioner shall pay a sum of Rs.15,000/- as travelling and litigation expenses to the complainant. The arrest of the petitioner was stayed in the meanwhile. It remains undisputed that the amount of Rs.15,000/- has not been paid till date. The petitioner had been enjoying the interim protection.

On 28.07.2021, another opportunity was sought for the parties to appear before the Mediation and Conciliation Centre of this Court.

On the next date of hearing i.e. 17.09.2021, it was again assured that

the amount of litigation expenses would be handed over to the complainant in terms of order dated 18.02.2020.

On 18.01.2022, an adjournment was sought as the arguing counsel on behalf of the petitioner was in personal difficulty.

Thereafter, the matter was taken up on 28.03.2022 but none had appeared on behalf of the petitioner on that date. Learned counsel for the complainant had submitted that in terms of order dated 18.02.2020, the amount of Rs.15,000/- has not been paid and furthermore, the matter could not be settled through the process of mediation on account of non-appearance of the petitioner. However, in the interest of justice, the case was adjourned to 20.05.2022. Even, on that date, none had appeared on behalf of the petitioner.

On 20.05.2022, the following order was passed:-

“None has joined the proceedings on behalf of the petitioner. Same was the position on the last date of hearing i.e. 28.03.2022. Even at the earlier date an adjournment was sought as the arguing counsel was in personal difficulty. The order dated 28.03.2022 further indicates that an amount of Rs. 15,000/- in pursuance of the order dated 18.02.2020 has also not been paid. Furthermore, the matter could not be settled through the process of mediation on account of non-appearance of the petitioner.

In the interest of justice, adjourned to 18.07.2022.

Interim order to continue.

It is made clear that on the adjourned date, if none appears on behalf of the petitioner, appropriate orders with regard to vacating the interim order/disposal of the main petition on merits shall be considered.”

On the adjourned date i.e. 18.07.2022, none had appeared on behalf of the petitioner. Even, the amount of Rs.15,000/- was not paid. Consequently, the interim order dated 18.02.2022 staying the arrest of the petitioner was vacated.

In these set of circumstances, it is amply clear that the mediation proceedings could not take place as the petitioner had not paid an amount of Rs.15,000/- on account of travelling and litigation expenses despite the lapse of

the course of the proceedings also led to the vacation of the interim protection that was extended to the petitioner. The aforesaid circumstances indicate that there was contumacious default and willful neglect on the part of the petitioner which dis-entitle him from the extraordinary relief of pre-arrest bail.

Consequently, the bail application is dismissed.

15.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No