

CRM-M-38026-2020

Date of Decision: 19.5.2022

Gaurav Joshi and others

..... Petitioners

Versus

State of UT, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: None for the petitioners.

Mr. Amit Kumar Goyal, APP, UT, Chandigarh.

Rajesh Bhardwaj, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in FIR No.133 dated 13.10.2019 registered under Sections 498-A/406/34 IPC, at Women Police Station Sector-17, Chandigarh.

Vide order dated 18.11.2020, the Court issued notice to the respondent and arrest of the petitioner was directed to be stayed on the premise that there are chances of amicable settlement. On 16.12.2020, the parties were directed to appear before the Mediation and Conciliation Centre of this Court.

As per the report of the Mediator, it is apparent that the mediation between the parties remained unsuccessful. However, on the majority of the occasions, it is apparent from the record that the petitioners are not being represented by anyone. It appears that the petitioners are simply enjoying the interim order granted by this Court.

Learned State counsel submits that as the arrest of the petitioners was stayed, the investigation is pending till date.

The cavalier attitude of the petitioners is apparent and hence, the interim order deserved to be recalled in such circumstances. This Court had

appreciated the nature of the offence and the relevant attending circumstances at the time of granting the interim order dated 18.11.2020. However, petitioners failed to qualify on the anvil of the statutory parameters of Section 438(1) Cr.P.C. for exercising the extraordinary jurisdiction of this Court in their favour. Hence, the Court is convinced that the petitioners do not deserve the concession of anticipatory bail. Thus, the present petition is dismissed.

(RAJESH BHARDWAJ)
JUDGE

19.5.2022
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No