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

**CRM-M No.52704 of 2022(O&M)
Date of Decision:22.11.2022**

Brij Mohan BhandariPetitioner
Vs
State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. R.S. Pandher, Sr. DAG, Punjab.

Mr. Ankur Jain, Advocate
for respondent No.2/complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.114 dated 12.09.2018 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Tibba, District Ludhiana.

Perusal of the record would show that the interim bail was granted to the petitioner vide order dated 07.02.2019 from 08.02.2019 to 05.03.2019 on his furnishing bail bonds/surety bonds to the satisfaction of the CJM/Duty Magistrate. The petitioner was directed to surrender before the jail authorities after the completion of the aforesaid period of interim bail.

The aforesaid order was passed with an understanding that the petitioner was ready to settle the issue with the complainant and for that purpose, the interim bail was granted. Both the parties were directed to appear before the Mediation and Conciliation Centre of this Court on 11.02.2019 to explore the possibility of amicable resolution of dispute. Thereafter, the case was adjourned for number of times.

On 22.07.2019, learned counsel for the petitioner submitted before the Court that due to demise in the family of the petitioner, the matter could not be compromised. The parties were again directed to appear before the Mediation and Conciliation Centre of this Court on 29.07.2019 to explore the possibility of amicable settlement. Even thereafter, the case was adjourned on number of occasions with interim order to continue.

On 12.02.2020, Coordinate Bench was pleased to pass the following order:-

“During the course of hearing, it has been pointed out by the complainant that the interim bail was granted to the petitioner solely with the purpose of facilitating his presence before the Mediator so that efforts may be made for amicable settlement but mediation was unsuccessful, as the petitioner has not been appearing and has requested the interim bail granted to the petitioner may be cancelled.

On request of learned counsel for the petitioner, adjourned to 19.02.2020.

Interim order to continue.

*12.02.2020
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*(VIVEK PURI)
JUDGE"*

Evidently, the petitioner did not appear before the Mediation and Conciliation Centre of this Court. The interim protection was granted to the petitioner only with a view to make sincere effort to resolve the dispute on amicable note. The case was further adjourned at the request of the learned counsel for the petitioner.

On 26.02.2020, learned counsel for the petitioner again submitted before the Court that there were chances of amicable resolution of dispute between the parties, for which, even efforts were initiated and there was likelihood of the things being matured. Learned counsel made a statement that in case of failure to effect amicable settlement, the petitioner would surrender before the Court. The case was accordingly adjourned to 17.03.2020. Thereafter, due to prevailing situation arising out of COVID-19, the case could not be taken up. The case was taken up only on 20.07.2021 when none appeared on behalf of the petitioner. On 01.10.2021, learned counsel for the complainant submitted before the Court that there was no progress in terms of amiable resolution of dispute between the parties. Even the petitioner had not surrendered before the

Court in view of settlement between the parties. Learned State counsel also submitted before the Court that the petitioner had not surrendered before the Court.

Today, learned State counsel on instructions submits that the petitioner was declared as proclaimed offender/person on 18.04.2022. He was arrested by the police on 02.09.2022.

Admittedly, the compromise has not been effected between the parties.

Learned counsel for the petitioner submits that the petitioner is very much inclined to make sincere effort to get the matter resolved and is ready to part with the settled amount.

Be that as it may, as of now, there is no material to suggest any progress in furtherance of any amicable settlement between the parties. CRM-M No.49479 of 2018 was dismissed by this Court on 01.10.2021 when none had appeared on behalf of the petitioner.

In view of aforesaid facts and circumstances of the case, no ground is made out to grant any indulgence for regular bail in favour of the petitioner. The present petition is accordingly dismissed.

22.11.2022

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No