

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

**CRM-M-5148 OF 2022
Date of decision: 25.04.2023**

JIWESH KUMAR SHRIVASTAW

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.G.S.Bhinder, Advocate for
Mr.S.K.Choudhary, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr.Vishal Munjal, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. In the present case, the petitioner is seeking anticipatory bail in case FIR No.0003 dated 09.01.2022 registered under Section 420, 417, 120-B IPC (45 of 1860), registered at Police Station, Division No.1, District Pathankot.
2. In terms of the order dated 23.02.2022 of this Court, the arrest of the petitioner was stayed.
3. In terms of compromise/ settlement, the petitioner was to pay a sum of Rs.7.00 lac to the respondent No.2 in three installments. Thereafter, in terms of order dated 01.09.2022, it was directed that in the event of arrest, the petitioner be released on bail by the Arresting/ Investigating Officer on furnishing bail bonds/ sureties subject to the condition as provided under Section 438 (2) Cr.P.C.
4. As per the terms and conditions of the compromise/ settlement, the petitioner had agreed to pay a sum of Rs.7.00 lac by way of demand draft or

RTGS to the complainant/ respondent No.2 as per the following schedule:-

- i) The first installment of Rs.1,50,000/- would be paid on or before 25.04.2022.
- ii) That the second installment of Rs.2,75,000/- would be paid on or before 25.05.2022.
- iii) That the third/final installment of Rs.2,75,000/- would be paid on or before 25.06.2022.

5. The learned counsel for the respondent No.2 contends that till date only a sum of Rs.1,75,000/- has been paid by the petitioner to the complainant/ respondent No.2 and the petitioner is not complying the terms and conditions for repayment of the amount as settled in the Mediation and Conciliation Centre.

6. The learned counsel for the petitioner is not in a position to dispute the factual assertion as put forth by the learned counsel for the petitioner.

7. In the instant case, as per the amicable settlement effected in the Mediation and Conciliation Centre, the petitioner was required to pay a sum of Rs.7.00 lac in three installments. The last installment was to be paid on 15.06.2022. Despite lapse a period of more than 10 months, the petitioner has only paid a sum of Rs.1,75,000/- to the respondent No.2. The petitioner has failed to comply with the terms and conditions of the amicable settlement. It shall not be out of place to mention here that in terms of order dated 07.07.2022, one last opportunity was granted to the petitioner to adhere to the settlement/ agreement arrived between the parties before the Mediator. Thereafter on the request of the learned counsel for the petitioner, the matter was again adjourned on 16.08.2022. The amount as settled has not been paid by the petitioner within the time schedule and even after seeking repeated adjournments.

8. The contumacious default on the part of the petitioner in not complying with the terms and conditions of amicable settlement disentitles him from the extraordinary relief of pre-arrest bail.
9. The petition is accordingly dismissed.

25.04.2023
raman

(VIVEK PURI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No