

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-45017-2022

Date of Decision:-16.10.2023

Nasib Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parveen Kumar, Advocate for
Mr. Munish Behl, Advocate for the Petitioner.

Mr. Rajiv Goel, DAG Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail in case FIR No.325 dated 28.06.2022 under Sections 406 and 420 IPC registered at P.S. Ambala City, District Ambala.

When this matter had come up for hearing on 28.09.2022, as the court was not inclined to grant the concession of anticipatory bail, a prayer was made for effecting a settlement and the contention of the counsel for the petitioner was recorded that the petitioner was ready and willing to pay a sum of Rs.2 lacs. The order dated 28.09.2022 is reproduced hereinbelow:-

“ *The present petition has been filed under Section 438 Cr.PC for the grant of anticipatory bail to the petitioner in a case registered vide FIR No.325 dated 28.06.2022 under Sections 406 and 420 IPC registered at Police Station*

Ambala City, District Ambala.

The Counsel for the petitioner contends that dehors the allegations in the FIR, he is ready to pay Rs.2 lacs within 02 days from today so that the matter is referred to Mediation and Conciliation centre of this Court to explore the possibility of a compromise.

*Notice of motion for **06.02.2023**.*

Mr. Vikrant Pamboo, DAG Haryana accepts notice on behalf of State of Haryana.

Counsel for the petitioner is also directed to implead the complainant as party in the present petition.

*In the meantime, arrest of the petitioner is stayed to enable him to appear before the Mediation and Conciliation Centre of this Court on **14.10.2022** on which date a draft of Rs.2 lacs shall be handed over to the complainant by him.*

Thereafter on 29.10.2022 the complainant was ordered to be impleaded as respondent no.2 and the matter was adjourned first to 06.02.2023 and thereafter on 22.02.2023 on which date the interim order staying the arrest of the petitioner was vacated. The said order is reproduced hereinbelow:-

“ *On 28.09.2022, this Court passed the following order:-*

“ *The present petition has been filed under Section 438 Cr.PC for the grant of anticipatory bail to the petitioner in a case registered vide FIR No.325 dated 28.06.2022 under Sections 406 and 420 IPC registered at Police Station Ambala City, District Ambala.*

The Counsel for the petitioner contends that dehors the allegations in the FIR, he is ready to pay Rs.2 lacs within 02 days from today so that the matter is referred to Mediation and

Conciliation centre of this Court to explore the possibility of a compromise.

Notice of motion for 06.02.2023.

Mr. Vikrant Pamboo, DAG Haryana accepts notice on behalf of State of Haryana.

Counsel for the petitioner is also directed to implead the complainant as party in the present petition.

In the meantime, arrest of the petitioner is stayed to enable him to appear before the Mediation and Conciliation Centre of this Court on 14.10.2022 on which date a draft of Rs.2 lacs shall be handed over to the complainant by him.”

Learned counsel for the petitioner submits that he has no instructions from the petitioner.

In view of the above, the order dated 28.09.2022, whereby the arrest of the petitioner was stayed, stands vacated.

The investigating agency is free to proceed in accordance with law.

Adjourned to 31.07.2023.”

On 31.07.2023 the following order was passed:-

“ *The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case FIR No.325 dated 28.06.2022 registered under Sections 406 and 420 IPC, 1860 at Police Station Ambala City, District Ambala.*

The Senior Superintendent of Police, Ambala shall file an affidavit as to the coercive steps taken against the petitioner as the interim order dated 28.09.2022 stood vacated on 22.02.2023.

Let the needful be done within a period of two weeks.

List on 01.09.2023.”

On 01.09.2023 the following order was passed:-

“ The status report dated 28.08.2023 filed on behalf of the respondent-State is taken on record.

On request, adjourned to 16.10.2023.”

The matter has come up for hearing once again and the counsel for the petitioner submits that the petitioner is not in his contact.

In view of the facts as narrated above, I find no merit in the

present petition, moreso as the petitioner has chosen not to honour his undertaking given in the order dated 28.09.2022 and endorsed by him as per the compromise dated 14.11.2022 effected during the course of mediation proceedings as per which he was to pay a sum of Rs.4 Lacs.

Resultantly, the present petition is dismissed.

(JASJIT SINGH BEDI)
JUDGE

October 16, 2023
Vinay

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