

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

2023:PHHC:054804

**CRM-M-49069-2019
Date of Decision: 19.04.2023**

KARNAIL SINGH AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhjit Singh, Advocate for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG Punjab.

Mr. Parambir Singh, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. Petitioners are seeking anticipatory bail in case bearing FIR No. 80 dated 23.07.2019 under Sections 420, 406 & 120-B IPC registered at Police Station Sadar Raikot, District Ludhiana Rural.
2. Briefly, the allegations in the FIR are to the effect that the petitioners had received a sum of Rs. 9 Lakhs from the complainant on the false pretext of sending the wife and son of the complainant abroad.
3. On 17.12.2019 following order was passed:

“Counsel for the petitioners, at the very outset, has argued that the petitioners are ready to explore the possibility of some amicable settlement and further submits that to show their bona fide, the petitioners are ready to pay the amount of Rs.1 lac by way of a demand draft favouring the complainant within a period of 15 days.

Counsel appearing for the complainant is not averse to the offer made by counsel for the petitioners and submits that for the purpose of making the balance payment, the matter be referred to the Mediation and Conciliation Centre of this Court.

List again on 16.03.2020.

In the meantime, the petitioners are directed to appear before the Investigating Officer within a period of 15 days from today to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. They shall make themselves available for interrogation by a police officer as and when required;

2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. They shall not leave India without previous permission of the Court.

The petitioners are also directed to hand over a demand draft of Rs.1 lac to the Investigating Officer, who will further hand over the same to the complainant within a period of 15 days from today.

It is made clear that if the amount is not paid to the complainant within a period of 15 days from today, the interim bail granted to the petitioners shall stand vacated automatically.

The parties are also directed to appear before the Mediation and Conciliation Centre of this Court on 08.01.2020 to explore the possibility of some amicable settlement.”

4. It has been submitted that a demand draft of Rs. 1 Lakh has already been passed on to the complainant by the petitioners.

5. The matter was amicably settled between the parties in Mediation and Conciliation Centre of this Court in terms of the compromise/Settlement dated 09.11.2021.

6. It was settled that the petitioners shall pay a lump sum amount of Rs. 6 lakhs to the complainant within a period of 6 months.

7. The said period of 6 months had expired on 09.05.2022. The amount of Rs. 6 Lakhs has not been paid till date. It shall not be out of place to mention here that in terms of the order dated 30.03.2022, the matter was adjourned to 24.05.2022 as the stipulated time for making the payment was to expire in May 2022 and interim order was directed to continue.

8. Thereafter, in terms of the order dated 24.05.2022, one last opportunity was granted to the petitioners to make the payment. Even on November 30, 2022 it was submitted on behalf of the petitioners that the petitioners could not arrange money which is to be paid to the complainant and 1 month's time was sought.

9. Despite repeated adjournments and opportunities, the amount of Rs. 6 Lakhs, as settled between the parties, has not been paid.

10. The petitioners have blatantly flouted the terms and conditions of the amicable settlement. The amount of Rs. 6 Lakhs has not been paid despite settlement within the stipulated period and even seeking adjournments on repeated occasions. The conduct of the petitioners disentitle them for extraordinary relief of anticipatory bail.

11. Dismissed.

19.04.2023

Janki

**(VIVEK PURI)
JUDGE**

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