



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208 (PROCEEDINGS THROUGH HYBRID MODE)

1.

CRM-M No.1979 of 2020 (O&M)
Date of decision: October 23rd, 2024
- Satya Shardul Sinha and others

.....Petitioners
- Versus
- State of Haryana and another

.....Respondents
2.

CRM-M No.8886 of 2020 (O&M)
- Satya Sinha

.....Petitioner
- Versus
- State of Haryana and another

.....Respondents
3.

CRM-M No.7986 of 2020 (O&M)
- Satya Sinha

.....Petitioner
- Versus
- State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hemant Saini, Advocate (through V.C.)
with Mrs. Neha, Advocate
for the petitioners.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

Mr. Vivek Aggarwal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned three
petitions.



2. Prayer in CRM-M No.1979 of 2020 filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners in FIR No.244 dated 16.06.2019 under Sections 420, 406, 34 of the IPC registered at Police Station Sector-5, Panchkula.
3. Prayer in CRM-M No.8886 of 2020 is for quashing of orders dated 12.02.2019, 26.04.2019, 05.07.2019, 07.09.2019 and 04.02.2020 (Annexures P-3 colly.) passed by learned JMIC, Panchkula, and all subsequent proceedings arising therefrom in Complaint No.1226 of 2018 titled as 'Virender Sharma Vs. Satya Sinha' under Section 138 of the Negotiable Instruments Act, 1881.
4. Prayer in CRM-M No.7986 of 2020 is for quashing of orders dated 21.01.2020 (Annexure P-2) passed by learned JMIC, Panchkula, vide which the petitioner was declared proclaimed person, in Complaint No.1336 of 2018 titled as 'Virender Sharma Vs. Satya Sinha' under Section 138 of the Negotiable Instruments Act, 1881.
5. Vide order dated 17.01.2020, the parties were referred to the Mediation and Conciliation Centre of this Court, where a settlement was arrived at. While referring the parties to the Mediation and Conciliation Centre, the arrest of the petitioners was also stayed, however, it would be apposite to reproduce all the orders right from 23.04.2024, which are as under:-

Order dated 23.04.2024

"Learned counsel appearing on behalf of the petitioners submits that the petitioners shall comply with all the terms and conditions of compromise/settlement, within a



period of two weeks from today. It is made clear that no further opportunity shall be granted.

Adjourned to 16.05.2024.

Interim order to continue.

A photocopy of this order be placed on the connected files of this case.”

Order dated 16.05.2024

“Learned counsel appearing for the complainant submits that the petitioners though have paid a substantial amount of money which was settled between the parties before the Mediation and Conciliation Centre, however, Rs.6 lakhs still remain to be paid.

Learned counsel appearing for the petitioners prays for an accommodation of just 10 days time and has given an undertaking in the Court today that on the next date of hearing, the remaining amount of Rs.6 lakhs would be handed over to the counsel for the complainant/complainant in the Court by way of a demand draft.

In the circumstances, adjourned to 28.05.2024.

Interim order to continue only till the next date of hearing.

A photocopy of this order be placed on the files of other connected cases.”

Order dated 12.07.2024

“Learned counsel for the petitioners prays for one last opportunity to comply with the order dated 16.05.2024.

Adjourned to 26.07.2024.

It is made clear that the interim order shall cease to be in operation after the adjourned date in case there is non-compliance of order dated 16.05.2024.

Photocopy of this order be placed on the file of connected matter.”

Order dated 26.07.2024

“The complainant, who is appearing in person, submits that the petitioner had undertaken to clear the



remaining amount in the sum of ₹6.00 lacs by today, however, the same has not been done.

May be on account of the strike call given by the Bar, there is no representation on behalf of the petitioners.

The complainant has very magnanimously submitted that he would not oppose in case the petitioners are given another 10 days time to abide by the undertaking given on the last date of hearing before this Court and clear the remaining sum of ₹6.00 lacs.

Purely, in the interest of justice, adjourned to 08.08.2024.

The petitioners shall remain present in this Court on the date fixed, along with the demand draft in the sum of ₹6.00 lacs in favour of the complainant. It is made clear that under no circumstances, any further adjournment shall be granted or opportunity given to the petitioners to clear the remaining amount of ₹6.00 lacs.

A copy of this order be placed in the file of each connected case.”

Order dated 08.08.2024

“Learned counsel for the petitioners has yet again made a prayer for granting last opportunity to abide by the undertaking given before the Mediation and Conciliation Centre of this Court as well as this Court qua the payment of the balance amount to the complainant. It has been submitted that the petitioners have made substantial payment of the amount which was taken from the complainant and now only Rs.5 lakhs remains to be paid since Rs.1 lakh had been paid to the complainant after last date of hearing i.e. 26.07.2024. It has also been submitted by the learned counsel for the petitioners that in case the petitioners fail to abide by the undertaking which has been given in the Court today, the interim order dated 17.01.2020 may be vacated on the next date of hearing.

In the circumstances, the petitioners are granted last opportunity to clear the balance amount of Rs.5 lakhs towards



the complainant, as per the undertaking given before this Court today.

Adjourned to 25.09.2024.

Interim order to continue only till the next date of hearing.

It is made clear that the interim order dated 17.01.2020 shall cease to be in operation after the adjourned date.

A photocopy of this order be placed on the files of other connected cases. 08.08.2024.”

Order dated 25.09.2024

“Learned counsel for the petitioners submits that although an undertaking was indeed given on the last date of hearing to this Court that the balance amount of Rs.5 lakhs would be paid to the complainant positively before the adjourned date, however, the petitioner has been unable to abide by the undertaking given due to her inability to travel to Chandigarh. A prayer, therefore, has been made that one more opportunity be granted to the petitioner to abide by the undertaking given on the last date of hearing.

Purely, in the interest of justice, adjourned to 23.10.2024.

Meanwhile, interim order dated 17.01.2020 stands vacated.

Photocopy of this order be placed on the files of other connected cases.”

6. Learned counsel for the petitioners submits that petitioner No.1-Satya Shardul Sinha has not been able to travel from Bangalore to Chandigarh and has also conceded that the remaining amount settled between the parties i.e. ₹5 lakh remains unpaid to the complainant.



7.
- In the circumstances, it is evident that there has been blatant non-compliance of the orders of this Court and the undertaking given before this Court.
8.
- Accordingly, the instant petitions stand dismissed.
9.
- Pending applications stand disposed of.

October 23rd, 2024

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No