



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

CRM-M No.3151 of 2024

Date of decision: 29th January, 2025

Kuldeep Kaur

... Petitioner

Versus

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Upadhyay, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor UT Chandigarh with
Mr. Navjot Singh, Advocate
for the respondent/UT.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed for grant of the concession of bail under Section 438 Cr.P.C. to the petitioner in case FIR No.0035 dated 13.05.2023 under Sections 406, 420 of the IPC registered at Police Station Manimajra, Chandigarh.

2. Vide order dated 23.09.2024, at the request of learned counsel for the petitioner, the matter was referred to the Mediation and Conciliation Centre of this Court to explore the possibility of an amicable settlement between the parties. In the meantime, the arrest of the petitioner was stayed.

3. On the last date of hearing, this Court was apprised, based on the report from the Mediation and Conciliation Centre, that the petitioner had failed to appear before the Centre, despite the complainant's attendance on each scheduled date. The Mediation and

Conciliation Centre reported that the mediation proceedings were a “non-starter”.

4. Additionally, on the last date of hearing, the learned Standing Counsel for UT had submitted that, after this Court stayed the arrest of the petitioner on 23.09.2024, she continuously failed to appear before the Mediation and Conciliation Centre and instead sought adjournments. He contended that this conduct demonstrated that the petitioner was misusing the interim protection granted by this Court.

5. In light of the report from the Mediation and Conciliation Centre, this Court, in its previous order, categorically directed that the interim protection would cease to operate beyond the adjourned date in the event of non-representation by the petitioner. Consequently, the matter was adjourned to the present date.

6. Today, learned counsel for the petitioner has appeared and has not disputed the fact that the petitioner never attended the Mediation and Conciliation Centre after being granted interim protection on 23.09.2024, despite her own request for mediation.

7. On the other hand, learned Standing Counsel for UT Chandigarh has submitted that the petitioner had remained untraceable even before the interim protection was granted. Furthermore, despite requesting for mediation, the petitioner never appeared before the Mediation and Conciliation Centre. In light of this, learned Standing Counsel for UT has urged for dismissal of the present petition.

8. This Court has carefully considered the submissions advanced and perused the material on record, including the reports received from the Mediation and Conciliation Centre.

9. The record reveals that this matter has been listed before this Court on at least 9 occasions. On 7 of those dates, either at the request of learned counsel for the petitioner or due to the absence of the representation on her behalf, the matter had to be adjourned. Furthermore, despite seeking referral to mediation, the petitioner neither ensured service of notice upon herself nor made any effort to participate in the proceedings before the Mediation and Conciliation Centre.

10. The conduct of the petitioner makes it apparent that her request for mediation was merely a ploy to obtain interim protection. Her continuous failure to appear before the Mediation and Conciliation Centre despite securing such protection demonstrates an abuse of the process of law. Additionally, this Court has also been apprised by the learned Standing Counsel for the UT that the petitioner is booked in another criminal case of a similar nature.

11. In view of the facts and circumstances as enumerated hereinabove, no ground is made out for grant of the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 29, 2025
rps

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