

Gautam Munjal vs. State of Himachal Pradesh

**Cr.MP No.3749 of 2026 in
Cr.MP(M) No.2157 of 2024**

21.09.2026 Present Mr. Karan Kapoor and Mr. Ankur Sinha, Advocates,
for the applicant/petitioner.

Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

By way of instant application, prayer has been made on behalf of the applicant/accused for modification of the condition contained in order dated 30.09.2024 passed by this Court in Cr.MP(M) No. 2157 of 2024, titled **Gautam Munjal vs. State of Himachal Pradesh**, whereby this Court, while enlarging the applicant/accused on bail in case FIR No.128 of 2024, dated 27.07.2024, under Section 316 (2) and 324(4) of Bhartiya Nyaya Sanhita, registered at Police Station, Dhalli, District Shimla, Himachal Pradesh, had stipulated that the applicant/accused shall not leave the territory of India without the permission of the Court.

It is averred in the application that since applicant/accused is in the business of hospitality, he is required to travel abroad frequently in connection with his business and as such, it may not be possible for him to approach this court time and again for seeking permission to travel abroad. It is also averred in the application that otherwise also, dispute, if any, *interse* parties is purely civil in nature and as such, no prejudice, if any, shall be caused to either of the parties in case

the condition restraining the applicant/accused from leaving the territory of India without prior permission of the Court is modified/deleted.

During the proceedings of the case, learned counsel for the petitioner apprised this Court that otherwise also, proceeding arising out of FIR, which at the relevant time is pending adjudication before learner Judicial Magistrate Judicial Magistrate First Class, Court No.3, Shimla, Himachal Pradesh have been stayed by Hon'ble Apex Court in SLP (Crl.) No.1097 of 2026.

To the contrary, Mr. Rajan Kahol, learned Additional Advocate General, while referring to the reply filed by the non-applicant/respondent, states that applicant/accused cannot dictate terms, rather this court, having regard to the nature of the offence alleged to have been committed by the applicant/accused, had deemed it fit to impose the condition which is now sought to be modified/deleted. He states that the condition imposed by this Court is otherwise also reasonable, as there is no impediment for the applicant/accused to approach this Court whenever he intends to travel abroad. He further submits that, in order to ensure the availability of the applicant/accused for the purposes of investigation as well as trial, this Court had simply stated that he shall not leave the country without prior permission of the Court.

Having heard learned counsel for the parties and perused material available on record, this Court finds that dispute *interse* applicant/accused and the complainant, at whose behest FIR, as detailed hereinabove, came to be lodged, pertains to property allegedly delivered by him to the applicant in terms of lease agreement dated 3.10.2022 at Shimla. Allegedly, applicant/accused did not pay the rent for about five months and he also changed the nature of property and removed the central walls of the structure which compromised the structural stability of the building. Allegedly, the applicant/accused also removed the movable and immovable structure of the Hotel during July, 2024.

Though, applicant had approached this Court for quashing of FIR on the ground that no criminal case has been made out against him for the reason that dispute, if any, *interse* parties is purely civil in nature, however, Co-ordinate Bench of this Court vide order dated 21.07.2025 passed in Cr.MMO No.1064 of 2024 dismissed the petition. Subsequently, Hon'ble Apex Court in SLP(Crl.), as detailed hereinabove, stayed the consequent proceedings arising out of the FIR, as detailed hereinabove, as a result thereof, no progress has been made in the trial on the basis of complaint made by the complainant.

Having regard to the nature of dispute, which appears to be civil in nature, coupled with the fact that recovery

has already been effected from the applicant, who otherwise has movable and immovable property in Punjab, this Court is of the view that no prejudice, if any, shall be caused to either of the parties in case, condition, sought to be modified/removed, is modified in the manner sought for.

Consequently, in view of the above, the present application is allowed and order 30.09.2024 passed by this Court in Cr.MP(M) No. 2157 of 2024 is modified to the extent that condition stipulating that the “applicant/accused shall not leave the territory of India without the permission of the Court” shall stand deleted. The application stands disposed of.

(Sandeep Sharma)
Judge

September 21, 2026
(shankar)