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

CRM-M-58 of 2015 (O&M)

Date of decision: August 26, 2016

Kamal Bhushan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Davinder Bir Singh, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties and perused the interim order dated 23.01.2015 granting ad-interim anticipatory bail to the petitioner.

It is not in dispute that the arbitrator award was passed in the sum of ₹1.28 crores against the petitioner by the Arbitrator after hearing both the sides who were parties to the arbitral proceedings.

Upon hearing the learned counsel for the parties, it is clear that the petitioner paid an amount of ₹1,16,58,650/- out of the arbitral award in the sum of ₹1.28 crores.

Learned State counsel, on instructions from Assistant Sub Inspector Parveen Kumar, however, states that the actual amount recoverable from the petitioner is ₹1.62 crores and therefore, the relief for grant of anticipatory bail should be refused to the petitioner.

In my opinion, it would not be possible to go beyond the arbitrator award for the present, at the behest of both the parties to the award. However, in so far as the payment of money is concerned, the payment of ₹1,16,58,650/- made by the petitioner to the MARKFED is more than substantial and therefore, I am inclined to grant anticipatory bail to the petitioner.

In that view of the matter, interim order dated 23.01.2015 granting ad-interim anticipatory bail to the petitioner, is made absolute.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

August 26, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No