

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

227/A

CRM-M No.44781 of 2017

Date of Decision: September 24th, 2018

Ashok Kumar Oberai and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: None for the petitioners.

Mr. Deepak Manchanda, Additional Advocate General,
Haryana.

Mr. Sandeep Lather, Advocate
for Mr. Pratham Sethi, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 20.08.2018, following order was passed:-

“Interim bail staying the arrest of the petitioners subject to the conditions as provided in Section 438 (2) Cr.P.C. was granted by this Court vide order dated 29.11.2017. Settlement/agreement dated 15.02.2018 was entered into between the parties and when the case ultimately came up for hearing on 05.07.2018, following order was passed:-

“Order dated February 16, 2018 shows that some post dated cheques were given to the complainant-respondent to show the bona fide of the petitioners (accused) qua the compromise arrived at between the parties. Therefore, the interim order dated 29.11.2017 was ordered to be continued till today only.

However, the learned counsel for the complainant-respondent informed the Court that the cheques given by the petitioner-accused have since been returned with the report of insufficient funds.

In view of the above, there is no ground for extending the interim order any further.

However, the learned counsel appearing for the petitioner submits that another connected petition is pending

for 30.07.2018 and she prays for adjournment along with extension of interim order.

Keeping in view the facts and circumstances, the case is adjourned to 30.07.2018.

To be heard along with CRM M No.20564 of 2018.

It is further ordered that the interim order dated 29.11.2017 shall continue till 30.7.2018 only.

It is further clarified that if the petitioners fail to pay the entire amount as per compromise before the next date of hearing; then the order dated 29.11.2017 shall be deemed to have been vacated, without any further reference to the Court.”

Thereafter on 30.07.2018, counsel for the petitioners stated that the entire amount due towards the petitioners shall be paid to the complainant prior to the next date of hearing which was 13.08.2018. On that date again, at the request of the counsel for the petitioners, the hearing was deferred to today. Today again, counsel for the petitioners prays for further adjournment with a plea that the entire amount due towards the petitioners would be paid to the complainant prior to the next date of hearing.

This Court do not find any justification for further adjourning the case, especially in the light of the order dated 05.07.2018 passed by this Court. Since a last opportunity is prayed by the counsel for the petitioners with a condition that in case the payment is not made of the entire amount due towards the petitioners within a period of three weeks, the present petition may be dismissed without further consideration, hearing of the case is deferred to **24.09.2018**.

It is made clear that this is the last opportunity granted to the petitioners to clear the total amount due as per the settlement entered into between the parties, failing which the present petition would be dismissed.”

Today when the case has been taken up for hearing, none has put in appearance on behalf of the petitioner and the reason why none has

after the passing of the order dated 20.08.2018.

In the light of the order dated 20.08.2018, the present petition stands dismissed.

September 24th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No