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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 16.01.2018

+ CRL.M.C. 3849/2014

AMIT GOYAL

..... Petitioner

versus

STATE (GOVT. OF NCT)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. M.A. Karthik with Mr. Abhimanyu Kampani,
Advocates.

For the Respondent : Mr. Akshai Malik, APP for State
Mr. R.N. Vats with Ms. Pranati Vats, Advocates for
respondent No.2 with respondent No.2 in person.
SI Govind Singh, PS Uttam Nagar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.01.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.C. 3849/2014 & CrI. M.A. 13198/2014 (stay)

1. The petitioner impugns order dated 12.08.2014, whereby, the interim protection granted to the petitioner on 03.08.2013 and continued on 25.02.2014 was cancelled.

2. It may be noticed that this Court, by order dated 23.05.2017 vacated the ad-interim protection given to the petitioner by this Court by order dated 27.08.2014. The petitioner has filed a special leave petition before the Supreme Court impugning the order of this Court vacating the ad-interim protection granted to the petitioner. The Supreme Court has, pending consideration of the special leave petition, protected the petitioner.

3. It may be noticed that by order dated 03.08.2013 on the anticipatory bail petition filed by the petitioner, the trial had granted an interim protection to the petitioner, pending consideration of the said application, on the premise that the main accused Mr. Deepak Goyal and the co-accused Mr. Anil Anand had already been granted interim bail.

4. Subsequently, it is contended by the learned counsel appearing for the complainant, the said main accused and the co-accused, referred above, did not comply with the terms and conditions of the settlement with the complainant and the interim protection granted to them was vacated. Keeping in view the facts that the main accused had not complied with the terms of the settlement, the interim protection granted to the petitioner was vacated by the impugned order dated 12.08.2014.

5. Learned counsel for the parties inform that the main anticipatory bail application of the petitioner is listed before the trial

Court on 02.04.2018 for consideration on merits.

6. These proceedings emanate out of an ad-interim order. Since the main anticipatory bail application of the petitioner is listed for consideration, it would be expedient for the Court to take up and dispose of the same on merits.

7. It is noticed that the impugned order dated 12.08.2014 vacated the interim protection, which had been granted to the petitioner on 03.08.2013, because of a settlement between the complainant as well as the main accused and the co-accused. The merits of the application of the petitioner do not appear to have been considered when the interim protection was granted on 03.08.2013 and vacated on 12.08.2014 by the impugned order.

8. Accordingly, the Trial Court is directed to consider and dispose of the application of the petitioner for grant of anticipatory bail on its own merit, on the next date i.e. 02.04.2018.

9. It is clarified that the contentions on behalf of the complainant that the settlement agreement was also on behalf of the petitioner and, as such, the petitioner should also suffer similar consequences as the main accused for violations of the terms of the settlement and the rival contention of the petitioner that he is not at all involved in the alleged offence and the Settlement Agreement was not on his behalf and any violation of the terms of the same cannot be to the detriment of the

complainant are reserved and left open to be considered by the Trial Court without being influenced by anything stated in the impugned order as well as in this order.

10. The petition is disposed of in the above terms.

11. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 16, 2018
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