

CRM-M-22390-2020 (O&M) and
CRM-M-22415-2020 (O&M)

1

202

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

DATE OF DECISION :-03.12.2020

1. CRM-M-22390-2020 (O&M)

RUPINDER AHUJA

.....Petitioner

Vs

UNION TERRITORY CHANDIGARH AND ANR

....Respondents

2. CRM-M-22415-2020 (O&M)

RUPINDER AHUJA

.....Petitioner

Vs

UNION TERRITORY CHANDIGARH AND ANR

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Jitender Dhanda, Advocate
for the petitioner(s)

Mr. Deepinder Singh Brar, APP, UT

Mr. Ajay Kumar Sharma, Advocate
for the complainant

RAJ MOHAN SINGH, J. (Oral)

Both the cases have been taken up for hearing through
video conferencing.

Vide this common order, CRM-M No.22390 of 2020 titled Rupinder Ahuja Vs. Union Territory Chadigarh and another and CRM-M No.22415 of 2020 titled Rupinder Ahuja Vs. Union Territory Chadigarh and another are being disposed of. Since both petitions have arisen from same FIR, therefore, common facts are being noticed.

Petitioner(s) seeks anticipatory bail in the aforesaid complaints under Section 138 of Negotiable Instruments Act, 1881.

On 28.10.2020, following order was passed in both the complaints:-

“Petitioner(s) have preferred these two petitions. Criminal complaint No.3414 dated 02.05.2016 and Criminal complaint No.3419 dated 02.05.2016 were filed by Satnam Singh Proprietor of M/s Satnam Singh and Brothers and Gurbinder Singh, Proprietor of M/s M.S Furniture against the petitioner(s) under Section 138 of Negotiable Instruments Act. Petitioner(s) were declared as proclaimed offender/person on two occasions in both the cases. In Criminal Complaint No.3414 dated 02.05.2016, an amount of Rs.44,000/- is involved whereas in Criminal Complaint No.3419

dated 02.05.2016, an amount of Rs.34,000/- is involved.

Vide order dated 11.08.2020, notice of motion was issued on the willingness shown by the petitioner that in case interim bail is granted to him for one month, he would pay the cheque amount to the complainant(s). Learned counsel for the complainant/respondent No.2 opposed the offer on the ground that the complainant has been contesting the complaint for more than 04 years and has incurred huge amount towards litigation expenses. He, however, showed his intention to get the offences compounded in case total amount of Rs.1,35,000/- is paid to the complainant(s) in both the cases towards full and final settlement of their claims. In case, such an amount is paid within four weeks from today, the complainant in both the cases would withdraw their complaints before the trial Court.

The aforesaid statement of learned counsel for the complainant is accepted by learned counsel for the petitioner.

Learned counsel for the petitioner(s) has

undertaken on behalf of the petitioner(s) that the petitioner(s) shall pay an amount of Rs.1,35,000/- in both the complaints to respondent No.2 in both the cases within four weeks from today.

In the event of not adhering to the aforesaid statement, the present petition(s) would be deemed to have been dismissed.

For further consideration, adjourned to 03.12.2020.

Interim order to continue, till the next date of hearing.

A photocopy of this order be placed on the file of connected case.”

Learned counsel for the petitioner(s) submits that the petitioner could not comply with the aforesaid order vide which the petitioner had undertaken that he shall pay an amount of Rs.1,35,000/- in both the complaints to respondent No.2 within four weeks from 28.10.2020. It was ordered that in case the aforesaid order is not complied with, the petition(s) would be deemed to have been dismissed.

In view of deeming fiction attached with the order, nothing survives in the present petition(s).

Both the petitions are accordingly dismissed.

December 03, 2020
sangeeta

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No