

108-1.

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

CRM-M-24768-2020.

Date of decision: August 28, 2020

NISHANT GARG

.....Petitioner

Versus

M/S KALANEEDHI JEWELLERS AND ANOTHER ...Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Alok Mittal, Advocate
for the petitioner.

Mr. Randhir Thind, D.A.G., Punjab.

Mr. Rohan Sharma, Advocate
for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this petition is for quashing/setting aside order dated 06.03.2018 (Annexure P-11), passed by learned JMIC, Patiala in Complaint No. COMA/3403/2016 dated 23.09.2016 (Annexure P-1), whereby the petitioner has been declared to be a proclaimed person.

Learned counsel for the petitioner at the outset submits that the petitioner is in the process of settling all disputes, in an amicable manner with the complainant/complainants and in similar matters an indulgence has been afforded to the petitioner to surrender before the learned trial Court

within a stipulated period and interim protection was allowed to him. He refers to order dated 18.08.2020 in CRM-M-23029-2020 (Annexure P-15), the relevant portion of which reads as under:-

“After hearing learned counsel for the petitioner, I deem it appropriate to dispose of the instant petition in limine and order to keep the impugned order dated 05.11.2018 in abeyance by staying the arrest of the petitioner for a period of two weeks to enable him to appear before the trial Court and move an appropriate application for having the impugned order set aside, which would be considered by the trial Court in accordance with law. He shall be admitted to interim bail to the satisfaction of the Court till disposal of P.O. proceedings.

Ordered accordingly.

It is made explicitly clear that in case the petitioner fails to surrender before the trial Court within the specified time, any interim protection allowed to him by this Court shall stand automatically vacated.”

At this stage, Mr. Rohan Sharma, Advocate appears on behalf of the complainant and submits that there is no objection to such an order, provided the petitioner displays his bonafides.

Learned counsel for the petitioner states that to show his bonafides, the petitioner shall hand over a sum of Rs.1,50,000/- to the complainant, on the date he appears before the learned trial Court, if permitted.

Keeping in view the facts and circumstances as above, this petition is disposed of in terms of order dated 18.08.2020 in CRM-M-23029-2020 with the added stipulation that the petitioner shall hand over a sum of Rs.1,50,000/- to the complainant on the day he surrenders before the learned trial Court (with due intimation to the complainant).

Petition is disposed of accordingly.

28.08.2020

Sunil

(LISA GILL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No