

CRM-24556-2021 in/and
CRM-M-9629-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-24556-2021 in/and
CRM-M-9629-2021
Date of decision: - 10.09.2021

Jagdish

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.A. Sheoran, Advocate,
for the applicant-petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-24556-2021

Present application has been filed for extending the interim relief granted vide order dated 01.03.2021 in the main petition i.e. CRM-M-9629-2021, which now stands adjourned to 01.11.2021 or to prepone the hearing of the CRM-M-9629-2021 to any date.

Notice of the application.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State.

Keeping in view the request of learned counsel for the parties, hearing of the main CRM-M-9629-2021 is preponed from 01.11.2021 to today and is taken up for hearing.

CRM-M-9629-2021

Learned counsel for the petitioner argues that petitioner is ready to deposit the amount along with the compounding fees, as undertaken before the trial Court, subject to a condition that in case he is exonerated from the allegations either by the Court trying the present FIR or by the Civil Court where he has already challenged the said imposition of charges, the amount be refunded to him along with interest so that no prejudice is caused to him.

Learned State counsel submits that the exoneration, if any of the petitioner of the allegations, is to be seen at the end of the trial and the Court conducting the trial is competent to decide the said issue as well.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The proposal submitted by learned counsel for the petitioner has a merit. In case the petitioner is directed to deposit the amount, he will not be able to use the said amount till the completion of the trial in question or the completion of civil case where he has already challenged the said imposition of charges, hence, the petitioner needs to be compensated in case he is found innocent by the grant of interest upon the deposited amount.

As regards to the objection of the learned State counsel that trial Court is competent to pass appropriate orders on the completion of

the trial or the civil suit, once, the petitioner is being directed to deposit the amount now, the condition of deposit has to be enumerated now rather than waiting for the trial to end.

Keeping in view the facts and circumstances of this case, it is directed that in case, after the completion of trial or the civil proceedings initiated by the petitioner, it is found that petitioner was not guilty of the allegations and is acquitted or he succeeds in the civil suit filed by him challenging the said imposition, the amount which the petitioner had undertaken to deposit i.e. 50% of Rs.2,85,578/- as well as an amount of Rs.45,000/-, which are compounding charges, same will be refunded to him with interest @ 6% per annum.

Learned counsel for the petitioner submits that keeping in view the above, the grievance of the petitioner, as raised in the present petition, has been redressed and the amount will be deposited within one month from today and he does not want to press this petition any further and the same may be disposed of as such.

Ordered accordingly.

September 10, 2021
naresh.k

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes
No