

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49758-2022

Date of decision :20.03.2024

ROHIT KAUSHAL

... Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Pardeep Kumar, Advocate for
Mr. Sanjay Kumar, Advocate
for the petitioner(s).

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Jagdish Manchanda, Advocate with
Mr. Ravinder Arora, Advocate
for the complainant.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 438 Cr.P.C.
is for the grant of anticipatory bail in case bearing FIR No.0095 dated
01.10.2022 registered under Sections 406, 420, 120-B IPC, 1860 at
Police Station Dhakoli, SAS Nagar.

On 21.07.2023, this Court had passed the following order:-

*“As the parties are closely related, they have
agreed to settle the matter between themselves for an
amount of Rs.30 lacs.*

*For the said purpose, the parties are directed to
appear before the Mediation and Conciliation Centre of
this Court on 24.07.2023, on which date, the petitioners
shall bring a draft for a sum of Rs.05 lacs to be paid to
the complainant. The remaining amount of Rs.25 lacs
shall be paid within a period of 03 months. The rest of
the modalities shall be worked out with the Mediator.*

Adjourned to 14.11.2023.

Interim order to continue.

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

On account of non-compliance, on 14.11.2023, the following order was passed:-

“As the petitioner has failed to comply with the order of this Court dated 21.07.2023 wherein he had undertaken to pay the entire amount within a period of 03 months, the interim orders dated 26.10.2022 and 12.12.2022 stand vacated.

Adjourned to 09.01.2024 for arguments.”

Pursuant to the vacation of the interim orders on 14.11.2023, Rohit Kaushal (petitioner) approached the Hon’ble Supreme Court which passed the following order:-

“The petitioner seeks leave to assail the order dated 14.11.2023 passed by the High Court of Punjab and Haryana at Chandigarh in CRM-M.No. 49758 of 2022.

The impugned order would reveal that following the noncompliance with the order dated 21.07.2023 passed by the High Court wherein he had undertaken to pay the entire amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) within the time stipulated thereunder, the interim orders passed on 26.10.2022 and then extended on 12.12.2022 were vacated.

Heard learned counsel for the petitioner and also the learned standing counsel for the State of Punjab.

It is submitted by the learned counsel appearing for respondent no.2 that pursuant to the order passed by this Court on 29.11.2023, the petitioner has virtually complied with the undertaking which he had given before the High Court. In other words, he has effected payment of Rs.25,00,000/-.

In the said circumstances, the interim protection granted by the High Court is restored. However, it is made clear that this will be subject to the final decision in the pending matter, i.e., CRM.-M.No.49758/2022, by the High Court.

The Special Leave Petition is disposed of with the above terms.

Pending application(s), if any, shall stand disposed of.”

Quite apparently, a sum of Rs.25 lakhs and a further amount of Rs.5 lakhs already stands paid to the complainant.

In view of aforesaid factual position, the interim order dated 12.12.2022 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The observations made in this order are only for the purposes of deciding this bail application and all civil proceedings/proceedings before the Consumer Court shall be decided on their own merit.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.03.2024
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No