

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-30761 of 2015

.....

Date of decision:30.11.2015

Jarnail Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. read with Section 439(1)(b) Cr.P.C. for quashing of order dated 17.7.2015 (Annexure-P.1) passed by learned Additional Sessions Judge, Tam Taran to the extent of the conditions imposed by the learned trial Court wherein the bail of the petitioner has been allowed subject to the production of surety Balwant Singh and payment of amount to be ordered by the Court after serving notice to the surety under Section 446 Cr.P.C.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and

have gone through the record.

From the record, I find that the bail has already been granted to the petitioner by the learned trial Court but the only grievance is regarding the conditional bail. The Court has put condition for the production of surety Balwant Singh and then regarding the payment of amount which is to be ordered by the Court in future after initiating proceedings under Section 446 Cr.P.C. As the surety is to be produced later on and the proceedings are to be conducted by the Court under Section 446 Cr.P.C., till then it cannot be held that the Court will impose the penalty under the proceedings which have not been started so far.

Therefore, the condition imposed by the trial Court is unreasonable. As per the interim order, the petitioner has already been ordered to be rereleased on interim bail on his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount without there being any such condition as imposed by the trial Court. The petitioner is already on interim bail.

Therefore, from the above, finding merit in this petition, I accept the same and the condition imposed by the trial Court is set aside and the order passed by this Court on 24.9.2015 is made absolute.

November 30, 2015.

(Inderjit Singh)
Judge

hsp