

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

**CRM-M-11667-2018 (O&M)
Date of decision: April 06, 2018**

Tarsem Mittal

....Petitioner

Versus

UT Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Virat Amarnath, Advocate
for the petitioner.

Ms. Ashima Mor, APP, UT Chandigarh.

Ms. Bhanvi Sood, Advocate for
Mr. Aditya Jain, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0170 dated 21.08.2017 registered for the offences punishable under Sections 406, 420 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Sector 26, Chandigarh.

Heard.

It is contended that on 29.08.2016, Surat Singh (complainant) has filed suit for specific performance against Tarsem Mittal (petitioner herein) and his wife Poonam Rani on the basis of agreement to sell dated 11th August, 2014. Learned State counsel has submitted that since suit has been dismissed as withdrawn thereafter he filed an FIR under Sections 406, 420 and 120-B IPC. Petitioner is in custody since 10.01.2018. Nothing has to be recovered from the petitioner. Challan has already been submitted on 09.03.2018.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Tarsem Mittal son of Lakhpat Rai Mittal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

A copy of this order be handed over to learned counsel for the petitioner under the signatures of the Bench Secretary of this court.

(RAJ SHEKHAR ATTRI)
JUDGE

April 06, 2018
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No