

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51280-2018 (O&M)

Date of decision : 07.12.2018

Jiwan Garg and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.S.S.Rana, Advocate and
Mr.Sarvesh Kumar Gupta, Advocate for the petitioners
Mr.Karanbir Singh, AAG Punjab

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Heard.

Petitioners, namely, Jiwan Garg and Prince Garg seek regular bail under Section 439 Cr.P.C. in FIR No.372 dated 2.11.2017, registered under Sections 420, 465, 468, 511, 120-B IPC at Police Station Zirakpur, District SAS Nagar (Mohali).

Allegations against the petitioners are that they were executing one project in the name of M/s Royal Mansions in Peer Muchalla, Zirakpur. They are alleged to have given contract to the complainant and his partner Mohit Aggarwal. They are alleged to have duped the buyers as well as the complainant. The petitioners were arrested on 18.6.2018 and are in custody since then. They are also alleged to be in custody in some other cases. In this case, challan has been presented. All the offences are triable by the

Magistrate.

Learned counsel for the complainant has stated that if the petitioners are released on regular bail they may jump the bail and flee the country. The same can be taken care of by putting appropriate conditions. However, the case is triable by the Magistrate and trial will take time. Allegations are yet to be determined on merits. Therefore, it is not deemed proper to comment on the merits of the case. As such, further detention of the petitioners is considered unnecessary.

Accordingly, the present petition is allowed. Petitioners are ordered to be released on bail on their furnishing personal bonds in the sum of Rs. Five lakhs each with one surety of the like amount each to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer,
- (ii) The petitioners will surrender their passports before the trial Court, if any, if not already surrendered and shall not leave India without the prior permission of the Court,
- (iii) They will appear before trial Court on each and every date of hearing, in case of their absence, trial Court shall be competent to cancel their bail.

07.12.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No