

HIGH COURT OF CHHATTISGARH, BILASPUR

RESERVED ON 17-9-2019

PRONOUNCED ON 18-9-2019

CRMP No. 1900 of 2019

- Vikas Sondhi S/o Late Shubraj Sondhi Aged About 48 Years R/o Talpuri, Bhilai, Tahsil and District Durg Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For petitioner	:	Mr. Sanjay Kumar Agrawal, Adv.
For R 1/State	:	Mr. D.C. Verma, Govt. Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge

CAV ORDER

1. Petitioner has preferred this CRMP under Section 482 of the Code of Criminal Procedure (in brevity Cr.P.C.) to quash the condition No. 1 of bail order dated 30-10-2018 passed by 6th Addl. Sessions Judge, Bilaspur in Bail Petition No. 1876/2018 whereby and whereunder petitioner was directed to remain present before the PS Civil Lines, Bilaspur between 11.00 am to 12.00 hours in every Monday.
2. In brief the petitioner's case is that he was arrested by PS Civil Lines, Bilaspur in Crime No. 110/2018 for the offences punishable under Section 420, 120-B, IPC. He is living in Talpuri, Bhilai and facing great difficulty in appearing in the P.S. Civil Lines, Bilaspur every Monday. The said condition is illegal, erroneous.
3. In brief, case of the respondent is that the aforesaid condition is just and proper and intervention of this Court is not needed.
4. In the case in hand section 420 of IPC is punishable with RI for 7 years with fine.
5. As per the provisions of Section 437(3), Cr.P.C., Court may impose any condition as it considers necessary in the interest of justice.
6. Counsel for the petitioner placed reliance on the order of

coordinate bench of this Court dated 9-9-2019 in the matter of **Abhinav Sharma -v- State of CG** in WP(Cr.) No. 689/2019 wherein it was observed that Court granting bail is not empowered to impound the passport of persons concerned. Therefore, any condition imposed in that respect could not be within the purview of the law.

7. In **Parbatbhai Aahir v. State of Gujarat**, [(2017) 9 SCC 641], the Hon'ble Supreme Court has had an occasion to consider whether the High Court can quash the FIR/complaint/criminal proceedings, in exercise of the inherent jurisdiction under Section 482 CrPC. Considering a catena of decisions on the point, the Hon'ble Supreme Court summarised the following propositions:

- “(1) Section 482 CrPC preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.
- (2) xxx xxx xxx
- (3) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.
- (4) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.
- (5) xxx xxx xxx
- (6) xxx xxx xxx
- (7) xxx xxx xxx
- (8) xxx xxx xxx
- (9) xxx xxx xxx
- (10) xxx xxx xxx”

8. In the matter of **Narinder Singh v. State of Punjab** [(2014) 6 SCC 466], after considering the decision in **Gian Singh v. State of Punjab**, [(2012) 10 SCC 303], in para 29.1, Their Lordships summed up as under:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, **this power is to be exercised sparingly and with caution.**”

9. In the case in hand, aforesaid condition is not related to impound the passport of petitioner. Thus, petitioner does not get any help from the aforesaid order of coordinate bench of this Court in **Abhinav**

Sharma (Supra).

10. In the case in hand, aforesaid condition No. 1 does not appear to be unreasonable, harsh or contrary to law or it is not necessary in the interest of justice.

11. In the case in hand, it does not appear that there is an abuse of process regarding imposing aforesaid condition by the 6th Addl. Sessions Judge, Bilaspur or intervention is necessary to secure ends of justice. Thus, looking to the aforesaid judicial precedent laid down by Hon'ble Supreme Court in the matter of **Parbatbhai Aahir** (supra), this Court finds that on the ground of abuse of process and to secure ends of justice, this Court cannot intervene in the aforesaid condition.

12. Looking to the above mentioned facts and circumstances of the case, looking to the aforesaid judicial precedent laid-down by Hon'ble Supreme Court in the matter of **Narinder Singh (supra)** this Court finds that it is not a fit case where the extra ordinary jurisdiction of Section 482, Cr.P.C. may be invoked which is invoked sparingly with care and circumspection.

13. Consequently, the instant CRMP is dismissed at motion stage without entertaining it for final hearing.

14. In view of above, I.A. No. 1 is also disposed of.

Sd/-
(Sharad Kumar Gupta)
Judge