

138

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

**C.R.M-M No.13022 of 2019
Date of Decision : 01.04.2019**

Harjinder Pal Singh Mann

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. A.P.S. Deol, Advocate
with Mr. Himmat Singh Deol, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing the order dated 22.02.2019 cancelling the bail earlier granted vide order dated 20.09.2018.

The trial Court had earlier granted bail to the petitioner but later on it transpired that the surety had submitted property documents which were undervalued. The petitioner made an application to submit fresh surety with solvent person but the trial Court cancelled the bail on the ground that this shows that the petitioner mixed up with surety and tried to overreach the Court.

Learned senior counsel for the petitioner has argued that this

conclusion which has been drawn by the trial Court is a presumption and the

petitioner could not be deprived of his liberty on the basis of presumptive finding because there is a chance that even the petitioner did not know that the surety was in fact not solvent.

Learned Deputy Advocate General on the other hand has argued that if the petitioner wanted to be released on bail it was his duty to ensure that the surety he had submitted was solvent and fulfilled the conditions of the bail bonds.

In my considered opinion, the claim of complete innocence which has been raised by the petitioner is little to swallow yet also to come to the conclusion that he was party to a fraud is premature at this stage. In the circumstances, I deem it appropriate to grant one more opportunity to the petitioner to present appropriate surety before the trial Court on the date fixed. Ordered accordingly. If that is done, the trial Court shall release him on bail to its satisfaction.

Consequently, the petition stands allowed and the impugned order is set aside.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

April 01, 2019
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(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No