

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

CRM-M-32738-2019
Date of decision: 27.08.2019

Jatin Malhotra @ Jatin Mal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. K. Agnihotri, Advocate,
Mr. S. K. Mishra, Advocate and
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana

Mr. Abhilaksh Grover, Advocate and
Mr. M. S. Nagar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 011 dated 15.01.2019, registered under Sections 406, 420, 467, 468, 471 and 120-B of the IPC at Police Station Sector 31, Faridabad.

Learned counsel for the petitioner, at the very outset, submits that the petitioner is ready to deposit an amount of Rs. 5 Lakh in the form of an FDR with the Illaqua Magistrate/trial Court.

Learned counsel for the petitioner further submits that the offences are triable by the Court of a Magistrate and the petitioner is in judicial custody since 12.06.2019 and in case he is granted concession of regular bail, he will deposit the balance amount with the Illaqua Magistrate/trial Court within a period of six months thereafter.

Learned State counsel, on instructions from ASI Bijender Singh, assisted by learned counsel for the complainant, has not disputed the factual position that the petitioner is in judicial custody since 12.06.2019 and submitted that a conditional order may be passed that in case the petitioner fails to deposit the balance amount within the stipulated time, the complainant would be at liberty to move an application for revival of the present petition.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/solvent surety to the satisfaction of the trial Court/Duty Magistrate concerned. However, this will be subject to the following conditions:

- (a) that at the time of furnishing bail/surety bonds, the petitioner will hand over an FDR of Rs. 5 Lakh in the name of Illaqua Magistrate, subject to the final outcome of the trial and will also furnish an undertaking that within a period of six months, he will deposit the balance amount in the name of Illaqua Magistrate.
- (b) that the petitioner shall deposit the balance amount on or before 28.01.2020, failing which, it will be open for the complainant to move appropriate application for revival of the present petition.

27.08.2019

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*