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

CRM-M No. 10653 of 2020
Date of Decision: 17.09.2020

Vinayak Maheshwari Chitlangi

-Petitioner

Vs

UT, Chandigarh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Suvir Sidhu, Advocate,
for the petitioner.

Mr. Ashu Mohan Punchhi, P.P., and
Ms. Ashima Mor, A.P.P.,
for UT, Chandigarh.

Mr. Munish Gupta, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video-conferencing.

Vide order dated 01.06.2020, interim bail was granted
to the petitioner to the satisfaction of the trial Court. The said
order was passed in terms of Section 437(6) Cr.P.C. as the trial
Court was required to conclude the evidence within 60 days
from the first date fixed for taking evidence.

By recording incriminating facts on record, this Court
found that the delay is not attributable to the petitioner as the

service upon police officials could not be effected for the reasons shown in the order.

Report from Senior Superintendent of Police, Chandigarh was called.

Thereafter, vide order dated 11.08.2020, comments of the concerned Presiding Officer were also called in view of facts and circumstances appearing on record.

In compliance of the aforesaid order, comments have been received from Judicial Magistrate Ist Class, Chandigarh. Superintendent of Police, Economic Offence Wing, UT, Chandigarh has also submitted two reports dated 03.07.2020 and 04.08.2020.

In addition to that, Senior Superintendent of Police, Chandigarh has also filed an affidavit.

After taking note of entire facts and circumstances, I find that the offence in question is under Section 420, 468 IPC and under Section 24 of Immigration Act. The delay has occasioned due to the reasons as explained by the Judicial Magistrate Ist Class and in the two reports submitted by Superintendent of Police, Economic Offence Wing.

In any case, the delay is not attributable to the petitioner.

Mr. Ashu Mohan Punchhi, P.P. assisted by Ms. Ashima Mor, A.P.P., UT, Chandigarh has submitted that different supplementary challans based on different complaints have also been submitted to the Court. The aforesaid challans have been submitted in the FIR in question for which complainants in different challans have to be examined before the Court.

This Court at the time of passing of order dated 01.06.2020 took notice of the fact that the petitioner also sought bail in terms of Section 437(6) Cr.P.C. Necessary pleadings have been made in para no.7 of the petition.

Challan was presented on 13.09.2018.

The trial Court fixed 05.02.2019 as the date for recording prosecution evidence. The trial was required to be concluded within 60 days from the first date of taking evidence.

Petitioner is entitled to be released on bail to the satisfaction of Magistrate, unless for the reasons to be recorded in writing, the Magistrate otherwise directs.

Admittedly, the trial Court has not concluded the trial within the time prescribed. Offence is triable by Magistrate.

Taking into consideration the facts and circumstances of the case, I deem it appropriate to confirm the order dated 01.06.2020.

Interim bail granted to the petitioner is made absolute, however, subject to execution of fresh heavy bail bonds/surety bonds to the satisfaction of trial Court.

17.09.2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No