

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

-.-

CRM-M-14270-2020

Date of decision : 18.08.2020

Brinder Sah @ Brinder

...Petitioner

Vs.

Union Territory Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Pankaj Bali, Advocate, for the petitioner
Mr. Rajiv Sharma, APP, for UT Chandigarh

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.50 dated 16.02.2015 under Sections 420, 468 , 471 of the Indian Penal Code, 1860 registered at Police Station Sector 39, UT Chandigarh.

It has been contended by learned counsel for the petitioner that in compliance of the orders passed by this Court the petitioner, in order to show his *bonafide*, has deposited an amount of Rs.3,50,000/- with the Bank which has been accepted by the Bank without prejudice.

The said fact is confirmed by Mr. Rajiv Sharma, APP, appearing for UT Chandigarh through video conferencing, on instructions from SI Harbans Singh, and was also so noticed in the order dated 14.08.2020.

Learned counsel for the petitioner would further contend that the petitioner is trying to settle the matter with the Bank and his proposal

for settlement has been sent to the Pune Head Office. He further states that whatever settlement is arrived at with the Bank, he undertakes to pay the said amount and in case the settlement talks fail, he undertakes to re-pay the remaining loan amount to the Bank.

Mr. Rajiv Sharma, APP, UT Chandigarh states that he does not have any instruction regarding the settlement talks between the petitioner and the Bank. However, he states that if the petitioner undertakes to pay the balance amount to the Bank as per the terms of settlement or otherwise, he would have no objection to the bail being granted.

In view of the undertaking of the petitioner and without commenting on the merits of the case and considering that the trial is likely to take some time and the petitioner is in custody since 12.02.2020, the present petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, it is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case. It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of bail.

The present petition is, accordingly, disposed off.

August 18, 2020
tripti

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No