

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14421-2020 (O&M)
Date of decision: 08.10.2020

Toni Sharma

.....Petitioner

versus

State of UT Chandigarh

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. JS Dadwal, Advocate,
for the petitioner.

Mr. Rajeev Anand, APP, UT-respondent.

Mr. Sanish Girdhar, Advocate for the complainant.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Toni Sharma, stated to be aged 47 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.37 dated 04.03.2020, under Section 420 of IPC (Section 24 of Immigration Act added subsequently), registered at Police Station Sector 34, Chandigarh.

Learned counsel for the petitioner based on pleadings, submits that the petitioner was known to the complainant. It is pleaded that some money transaction has taken place between the complainant and the petitioner, which was actually for the purpose of investment (as complainant on return from Australia wanted to invest the money in the property business). However, later because of some dispute, the present complaint has been

filed. Learned counsel further in order to show his bona fide, submits that the petitioner had transferred an amount of Rs.1,50,000/- through RTGS in the account of the complainant so that compromise could be effected, but, meanwhile the present FIR was lodged.

Learned State counsel, submits that the petitioner is in custody for six months and nineteen days. He further submits that the investigation is complete and challan was presented on 02.05.2020. There are total of 09 witnesses but none has been examined till date.

Learned counsel for the complainant submits that in fact the petitioner wrongly alleges that any compromise had been effected whereas, in fact no compromise had been effected. He further submits that it would be evident from previous orders passed by the Court of Additional Sessions Judge, Chandigarh, that when he was earlier granted interim concession, he had not fulfilled the conditions.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his relatives, to submit that if the petitioner is given some time after his release, he would be able to deposit Rs.2 lacs with the trial Court. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said amount can be forfeited and deposited in the Government Treasury.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take time,

this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit Rs.2 lacs with the trial Court, within one month from the date of his release. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said amount shall be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

08.10.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No