

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

CRM-M-2566-2019

DECIDED ON: 1st September, 2021

Nav Rattan Munjal

.....PETITIONER

VERSUS

U.T. Chandigarh.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Surjeet Bhadu, Advocate for petitioner.

Mr. A.M. Punchhi, PP for UT Chandigarh with
Mr. Anupam Bansal, APP for UT Chandigarh.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.3 dated 1.8.2018, under Sections 13(1)(d) and 13(2) of Prevention of Corruption Act, 1988 and Sections 409, 420, 466, 468, 471, 120-B IPC, registered at Police Station Vigilance Bureau, Chandigarh.

On 22.2.2019, the petitioner was granted interim bail. Relevant part of same is reproduced below:

"Keeping in view the entire conspectus of facts the following order is passed :-

1. The petitioner shall in the first instance make a fixed deposit of 25% of the claimed amount i.e. Rs.66,09,070,122/- in the name of "Ind Swift Laboratories Ltd." and hand over it to the Trial Court for safe custody and on doing so he would be released on interim conditional bail to its satisfaction till the next date of hearing and shall also deposit his passport with the Trial Court.

2. After being released on interim bail, he should arrange for the remaining 75% which is claimed by the tax authority. Once that is done, 25% amount would be transferred to the tax authorities (as pre deposit in terms of under Section 62 of Punjab Act No. 19, 2005). The remaining amount would be put in a fixed deposit in any Nationalized bank. The Trial Court is directed not to let it be encashed it till such time the competent Court directs.

Adjourned to 28.3.2019."

The order was challenged before the Supreme Court, liberty was granted to the petitioner to move an application for modification of the directions. Thereafter, application for modification was moved. Vide order dated 29.5.2019 one month more time was granted to the petitioner for creating the fixed deposit of Rs. 5 crores and the applications were disposed of. The order dated 29.5.2019 was challenged before the Supreme Court. The appeals were disposed of on 28.6.2021 by modifying the conditions imposed by the High Court. The relevant para is reproduced below:

"7. In the above facts and circumstances, we are of the view that the condition imposed by the High Court for the grant of bail should be suitably modified having due regard to the fact that the appellant has deposited an amount of Rs.31.52 crores towards the demand of tax. The Court has also been apprised of the fact that an appeal has been filed against the assessment. In the circumstances, we order and direct as follow:

(i) The bail which was granted by this Court by its order dated 5 July, 2019, is confirmed;

(ii) the passport of the appellant shall be returned to him only for the purpose of enabling him to visit Abu Dhabi for the medical treatment of his spouse between 5 July 2021 and 18 August 2021;

(iii) The direction in (ii) above, is subject to the condition that the appellant shall before obtaining the release of his passport, file an unconditional undertaking before this Court that he shall immediately upon the expiry of the period so stipulated return to India and shall be available to face trial in the proceedings arising out of FIR No. 3 dated 1 August 2018 in respect of which a charge-sheet has been filed after investigation before the competent court; and

(iv) on the return of the appellant, the passport shall be deposited with the trial Court.

8. *The appeal is accordingly disposed of.*

9. *Pending applications, if any, stand disposed of."*

Learned counsel for the parties are ad-idem that in view of the disposal of the appeal by the Supreme Court, the present petition has been rendered infructuous.

Disposed of.

1st September, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *No*