

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

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CRM-M No.12176 of 2021(O&M)
Date of Decision:December 03, 2021

Ankit Kalra**.....Petitioner(s)****Vs.****State of Punjab****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Lalit Pathak, Advocate for the petitioner(s).

Mr. Sidakmeet Singh Sandhu, AAG, Punjab

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Section
40	25.02.2021	Moti Nagar, Ludhiana, Punjab	420 IPC, 1860

Apprehending arrest in the above captioned FIR, the accused has come up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

2. Learned Counsel for the petitioner argued that the petitioner has been falsely implicated in the present case. He further submits that the allegations are purely of civil nature. It has also been submitted that there is no other FIR pending or registered against the petitioner except the FIR captioned above.

3. The contention on behalf of the State is that the accused is involved in a fraud and cheating case and on this ground they have strongly opposed the bail.

4. Learned counsel for the complainant also opposed the grant of bail on the ground that the offence is under Section 420 IPC and furthermore there is settlement in mediation proceedings and prayed for binding the petitioner by the settlement of mediation proceedings. It is well-settled that mediation proceedings are not binding upon the parties, therefore this Court refrain from issuing such direction.

5. Be that as it may, this Court is inclined to give opportunity to the

petitioner to course correct. Therefore, petitioner is granted bail however on strict conditions.

6. In case, the petitioner is again found involved in similar offence then it shall be a factor to decline bail in that case on the reasons that this Court had warned the petitioner not to indulge in such kind of activities.

7. Given above, in the event of arrest, the petitioner shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Ten thousand (INR 10,000/-), and with one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the Investigator. Before accepting the surety, the Attesting Officer must satisfy that in case the accused fails to appear in Court, then such surety is capable to produce the accused before the Court to face trial.

8. The furnishing of the personal bond shall be deemed acceptance of the following and all other stipulations, terms, and conditions of this bail order, provided this petition is allowed and this order is made absolute. In case of dismissal of this petition, the bail bonds if furnished, shall stand cancelled without calling for any further order from this Court.

9. The petitioner also to execute a bond for attendance to the satisfaction of the concerned Court(s), as and when called upon to do so. Once the trial begins, the petitioner shall not, in any manner, try to delay the proceedings, and undertakes to appear before the concerned Court and to attend the trial on each date, unless exempted. In case of an appeal, on this very bond, the petitioner also promises to appear before the higher Court in terms of Section 437-A Cr.P.C.

10. The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the petitioner along with the phone number linked with AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and to the concerned Court.

11. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

12. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer; and shall cooperate with the investigation at all further stages as may be required. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the petitioner shall not be called before 9 AM and shall be let off before 5 PM, and shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. During the trial's pendency, if the petitioner repeats the present offence or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall continue to remain in force throughout the trial and after that in terms of Section 437-A of the Cr.P.C.

14. The petitioner shall, under no circumstances, contact, call, text, remarks, stalk, stare, make any gestures, show or express any unusual or inappropriate, verbal or otherwise objectionable behavior, to or in front of the victim, either physically or through any other mode, or roam around the victim's home, and shall also stay away from the victim.

15. The petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority before the next date and inform the Investigator about the compliance. However, subject to the Indian Arms

Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case.

16. Any Advocate for the petitioner or the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order, in vernacular and if not feasible, in Hindi.

17. In case the petitioner finds the bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioner may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

18. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation per law.

19. Any observation made hereinabove is neither an expression of opinion on the merits of the case, nor shall the trial Court advert to these comments.

20. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer/prosecutor/Court want to verify the authenticity, such person can also verify its authenticity or may download and use the downloaded copy for attesting bonds.*

The petition is allowed.

(ANOOP CHITKARA)
JUDGE

December 03, 2021
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Whether speaking/reasoned: Yes/No
Whether reportable: No