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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24773-2021

Date of Decision: 05.07.2021

Madan Mohan Bajaj and another

.. Petitioners

Vs.

Sanjeev Duggal

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bhriugu Dutt Sharma, Advocate for the petitioners.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 482 Cr.P.C for setting aside/modification of order dated 15.06.2021 passed by Id. JMIC, Chandigarh only to the limited extent of challenging the conditions imposed while granting permanent exemption under Section 317 Cr.P.C. to the petitioners and also granted them permission to go abroad for a period of three months from the date of their departure from India by imposing conditions: (i) extension of the period of three months for going abroad; (ii) furnishing bank guarantee/fixed deposit of Rs.5 lakhs by each of the petitioner; (iii) furnishing surety of a resident of Tricity having an immovable property during the pendency of criminal complaint bearing Complaint No.COMI 74 of 2017 titled as Sanjeev Duggal Advocate Vs. Madan Mohan Bajaj and others.

After arguing for some time, learned counsel restricts his challenge only to the last condition imposed in the order dated 15.06.2021 (Annexure P-7) passed by JMIC, Chandigarh, whereby the accused have been directed to furnish the surety, who should be resident of Tricity having

any immoveable property in the Tricity. According to him, the petitioners are unable to arrange the said surety belonging to Tricity, but can arrange the surety, who is a resident of State of Punjab. He submits that previously also, the similar concession was extended to the accused and the same was never misused. He prays that the said condition be modified.

After hearing the learned counsel, and considering the nature of relief prayed for, this Court at this stage does not deem it appropriate to call upon the complainant to contest the petition, as modification of the said condition in the order dated 15.06.2021 would not cause any prejudice to him.

A perusal of the order dated 15.06.2021 (Annexure P-7) reveals that the trial Court had considered the prayer of the accused for grant of permanent exemption from appearance in above complaint case along with the prayer to go abroad. The conditions required under Section 317 Cr.P.C. for claiming permanent exemption were fulfilled by the petitioners to the satisfaction of the Court, but while extending the relief to them, the Court imposed certain conditions. The last condition, whereby the accused were asked to furnish the surety, who should be resident of Tricity apparently seems to be harsh, as the accused are residents of District Kapurthala.

Therefore, considering the above background, this Court finds that the impugned condition deserves to be modified.

Resultantly, the limited prayer made by the petitioners is accepted and the last condition in respect of the surety is modified, as noticed above. It is further ordered that in case, the petitioners produce any surety belonging to the state of Punjab, the trial Court shall accept the same

after recording its satisfaction regarding his credibility.

The petition is disposed off.

05.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No