

123
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16000-2022(O&M)
Date of Decision: 16.05.2022

Vinod Kumar Aswal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vishal Garg Narwana, Advocate for the petitioner.

Mr. B. S. Sewak, Addl. A.G., Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking setting aside/quashing of the impugned order dated 22.12.2021 passed by learned Judicial Magistrate First Class, Rupnagar to the extent that the petitioner has been directed to furnish bank guarantee worth Rs.20 Lacs for releasing him on bail.

Petitioner is an accused in case FIR No.207 dated 25.11.2019 under Sections 420, 406, 506 and 120-B IPC registered at Police Station City Rupnagar, District Rupnagar. The allegations are that the petitioner had cheated the complainant of an amount of Rs.1,51,00,0000/-. The petitioner was granted regular bail by this Court vide order dated 02.11.2021 passed in CRM-M-27366-2021. The petitioner was directed to be released on execution of bail/surety

bonds besides heavy security either in the form of immovable property or bank guarantee to the satisfaction of concerned trial Court/Duty Magistrate. This direction was in order to ensure that the petitioner, who is resident of Uttarakhand does not abscond.

After passing of the above order, the petitioner approached the learned trial Court for furnishing bail bonds. Learned trial Court directed the petitioner to furnish a surety of Rs.5 lacs alongwith bank guarantee of Rs.20 lacs. The petitioner moved an application before the trial Court seeking some time for furnishing the bank guarantee. The application was allowed and the petitioner was directed to furnish another surety of an amount of Rs.20 lacs till the time the bank guarantee was furnished. The petitioner furnished a surety of Rs.20 lacs. Thereafter, he was conditionally released on bail.

It is the case of the petitioner that he is not in a position to furnish security in the shape of bank guarantee of Rs.20 lacs. He has already furnished two sureties; one for an amount of Rs.5 lacs and another for an amount of Rs.20 lacs. The copies of the same are annexed as Annexure P-11 to P-14. In the surety bond furnished by Harish Chandra for an amount of Rs.5 lacs, the property furnished as security is measuring 0.016 hectare, situated at Village Padampur Shukhrow, Tehsil Kotdwar, District Pauri, the value of which as per the valuation report is stated to be Rs.14,40,000/-. In the surety bond furnished by Sandeep Keshtwal for an amount of Rs.20 lacs, the

property furnished as security is measuring 0.506 hectare, situated at Village Jhandichaur, Tehsil Kotdwar, District Pauri, the value of which as per the valuation report is stated to be Rs.1,03,73,000/-.

In view of the above, the presence of the petitioner having been thus secured by heavy surety, it is ordered that the impugned condition contained in the order dated 22.12.2021 requiring the petitioner to furnish bank guarantee of Rs.20 lacs would stand deleted.

Disposed of accordingly.

May 16, 2022

gian

**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No