

219

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

CRM-M-28503-2022

Date of decision: 03.08.2022

RAHUL MEHRA

...Petitioner

Versus

UT CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Hunarveer Sharma, Advocate and
Mr. Ishwar Sethi, Advocate
for the petitioner.

Mr. Deepinder Brar, Addl. P.P., U.T. Chandigarh.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., where through the present bail petitioner seeks indulgence of regular bail, being accorded to him. FIR No.274 of 23.08.2011, constitutes therein offences under Sections 419, 420, 467, 468, 471, 120-B of IPC, and, is lodged at Police Station Sector 17, District Chandigarh, therein the commission of the incriminatory offences are attributed to the bail petitioner.

2. The present bail petitioner brokered a deal amongst one, Karanveer Singh Mann, and, one Dinesh Dureja, and, Vineet Goyal. The victims are the vendees of the contract of sale, which became executed with him/them by one, Karanveer Singh Mann, rather on the basis of a purportedly forged power of attorney. Though in contemporaneity to the drawing of the alleged contract of sale amongst the above, earnest money comprised in a sum of Rs.50 lacs was handed over, in cash, to the vendor, and, another sum of Rs.10 lacs, comprised in a cheque, also became handed over by the aggrieved-vendee(s), to the

accused concerned.

3. However, subsequently, it was found that, the vendor of the contract of sale, does not have any lawful nor any valid title to alienate the FIR property, to the aggrieved-victim(s)-complainants. Therefore, they were led to institute the petition FIR with the police station concerned.

4. The learned counsel for U.T. Chandigarh, has not been able to bring forth any material suggestive that, any fraction of the abovesaid earnest money, became delivered to the present bail petitioner, as his brokerage, in his negotiating the deal amongst the concerned. Even if the above evidence, with respect to, at the relevant stage, the present bail petitioner not being given his brokerage for his striking the FIR deal with the concerned, rather is amiss, yet the learned counsel for the U.T. Chandigarh submits, with vigor before this Court that, this Court may not proceed to accord the indulgence of regular bail, to the present bail petitioner, as he has remained a proclaimed offender for about 9 years, and, his hence absconding from justice, does beget a sequel that, there is every likelihood of his fleeing from justice, and/or, his not appearing before the learned trial Judge concerned, as, and, when he is required to make before him, his regular appearance(s) for the relevant purpose.

5. Though, the above made submission is an extremely valid submission, for constraining this Court to become not inclined to admit the present bail petitioner to regular bail, but this Court would relent in doing so, and, rather would become dissuaded from making any declining order, upon the present bail petitioner, but only if solvent securities comprised, in a sum of Rs.2.50 lacs, become(s) furnished before, and, to the satisfaction of the learned trial Judge concerned.

6. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner-applicant. The instant petition is allowed but

with the above condition precedent, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, also is subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, his making an undertaking that he shall not hereafter abscond from justice, rather shall proceed to make his regular personal appearance(s) before the learned trial Judge concerned, as, and when directed to make his personal appearance, unless he becomes validly exempted.

7. It is clarified that, if hereafter the present bail petitioner absconds or flees from justice, thereupon, upon a motion being made to this Court, by the learned counsel for U.T. Chandigarh, this Court would become constrained, to rescind the order, as made today, by this Court.

8. Copy dasti.

03.08.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No