

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 33088 of 2021 (O&M)

Date of Decision: 29.4.2022

Sarish Mittal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Vinod Ghai, Senior Advocate with
Mr. Himanshu Arora, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.

2. In FIR bearing No. 218 of 23.8.2019, registered at Police Station Moti Nagar, District Ludhiana, offences constituted under Sections 406, 420, 506, 120-B IPC, are embodied.

3. The bail applicant is in custody since 7.7.2021.

4. Without delving deep into the incriminatory role, as becomes assigned to the present petitioner in the FIR (supra), the mere factum, that *prima facie* the present petitioner, is alleged to dupe the aggrieved complainant, of moneys, rather carried in the sums of Rs. 26.00 crores, does assume a grave importance. Therefore, before proceeding to admit the present petitioner to regular bail, this Court deemed it fit, and, appropriate, and, as also conceded by both the learned opposite counsels, to impose as a

pre-condition to the present petitioner being admitted to regular bail, some

reasonable percentum of the afore duped sums of moneys, being either ordered to be deposited in the establishment of the learned trial Judge concerned, or reasonable percentum of solvent securities in respect thereof, being ordered to be furnished thereins.

5. Though, on the earlier dates also, there were some deliberations with respect to the reasonable quantum of the afore pre-condition(s), being furnished in the establishment of the learned trial Judge concerned, but both the learned opposite counsels, conceded that if a solvent security, comprised in the attachable/unencumbered immovable assets of the petitioner or of his close relative(s), carry monetary values of Rs. 2.25 crores, whereupon, they be ordered to be furnished, before the learned trial Judge concerned, and thereupon, the petitioner be admitted to regular bail.

6. The learned counsel for the petitioner submits, that he has instructions to submit, that the close relative(s) of the petitioner herein, would furnish solvent securities of their unencumburred immovable properties, carried in a sum of Rs. 2.25 crores, before the learned trial Judge concerned. Therefore, when also no evidence, at this stage, has been adduced by the prosecution agency, that in the event of the petitioner being enlarged to bail, there is any likelihood of his fleeing from justice, or tampering with prosecution evidence.

7. Consequently, this Court deems it fit, and, appropriate to enlarge him on bail, but with an order, upon the present bail petitioner to ensure that his close relatives furnish solvent securities comprised in a sum of Rs. 2.25 crores, qua his/their unencumbered immovable properties. The afore made direction is made not as a measure, to ensure the recovery from him, and, at the instance of this Court, to the aggrieved-complainant, a part

of the above allegedly received money, by him, from the aggrieved, but to ensure rather the above conspicuously functioning as a security, for realising therefrom, to the complainant of any determined compensation amount qua, him, in the sentencing order, as, may be becomes drawn by the learned trial Judge, after may be a verdict of conviction becomes recorded by him against the petitioner(s), upon, FIR (supra), and, or a pre-condition for this Court proceeding to admit to regular bail the present bail petitioner.

8. In sequel, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his also furnishing personal and surety bonds in the sum of ₹ 2.00 lacs each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. It is clarified that on the furnished before the learned trial Judge concerned, rather the above solvent securities, he shall draw his objective satisfaction about the genuineness thereof, and, thereafter he may attest, and, accept them. Moreover, the petitioner also shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses, and, besides shall also appear before the trial Court concerned, as and when directed to make his personal appearance, unless validly exempted. The petitioner shall also surrender his passport before the learned trial Magistrate concerned, and, shall also give an undertaking before the learned trial Magistrate concerned, that he shall not leave India without the permission of learned trial Magistrate concerned.

8. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

April 29, 2022
Gurpreet