

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32671-2022

Date of decision: 04.08.2022

ANIL JINDAL

...Petitioner

VS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sachin Jain, Advocate and
Mr. Sandeep Jain, Advocate,
For the petitioner.

Mr. Pankaj Middha, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition under Section 482 Cr.P.C. is for reduction of quantum of amount of personal bonds as well as surety bond of equivalent amount, directed vide earlier order dated 29.06.2020 (Annexure P-3) passed by this Court in CRM-M-4525-2020.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. Even though the instant petition has been filed as an independent petition but the nature of prayer is in effect to seek review/modification of an earlier order dated 29.06.2020 vide which the petition seeking relaxation of onerous condition of furnishing a personal bond for Rs.3,00,00,000/- submitting therewith the details and documents of any unencumbered property/properties valued not less than Rs.3,00,00,000/- with one surety for an equal amount of the aforesaid conditions vide bearing CRM-M-4525-2020

was disposed of.

4. It appears that since the earlier attempt of the petitioner to seek modification/review by filing the miscellaneous application in the disposed of bail petition proved futile vide an order dated 14.07.2020, as this Court had observed that there is no power to review under Cr.P.C., resultantly to overcome the said difficulty the fresh petition has therefore been filed. Said order is as below:-

“This is an application for modification /clarification of order dated 29.06.2020 passed by this Court.

No ground for interference by this Court is made out. This Court has no power to review, even though the prayer in application is styled as modification of the order dated 29.06.2020 but in effect, any interference of the kind, as sought, would amount to review thereof.

The application stands dismissed accordingly.”

5. Instant proceedings, though masqueraded as fresh cause of action, but the same relief has been sought, which was declined earlier vide order dated 14.07.2020, whereby CRM-15401 of 2020 was dismissed. I am of the view that the present petition, being in the nature of review petition, also is not maintainable and is dismissed accordingly.

6. *Qua* the contention that petitioner is not being accorded parity with the co-accused who has been subsequently granted bail vide an order dated 09.02.2022 in CRM-M-49834-2021 by a coordinate Bench of this Court as well as is unable to agitate his other grounds including change in circumstances and given the duration of his incarceration of almost 4 years, owing to earlier subsisting bail order dated 29.06.2020, I am of the view that his inability to comply with the bail condition imposed therein, renders the said bail order as otiose and to that extent he is at liberty to file fresh bail petition before competent Court by taking out all fresh grounds, *inter alia*, parity or subsequent developments warranting fresh bail order with change of

bail conditions, on it own independent merits. If so preferred, the same be decided by competent Court without being influenced by the bail conditions earlier imposed by this Court.

(ARUN MONGA)
JUDGE

August 04, 2022
Vandana

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