

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

CRM-M No.5936 of 2023 (O&M)

Date of Decision: 20.07.2023

Rohit Kataria

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Manish Soni, Advocate for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., UT, Chandigarh
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.17 dated 13.01.2023, under Sections 193, 420 & 511 of the Indian Penal Code, 1860, registered at Police Station Sector 36, District Chandigarh.

(2) It transpires that above FIR was registered on the basis of an order dated 13.01.2023, passed by learned JMIC, Chandigarh. The papers were put up before him being Duty Magistrate on an application for furnishing bail/surety bonds in one matter and as per the report of the Reader, petitioner already stood surety in other FIR(s). Petitioner also suffered affidavit to the effect that he stood surety for the first time, thereby playing fraud with the Court. Thereafter, on the direction of Duty Magistrate, petitioner was arrested.

(3) This Court, on 12.06.2023, granted interim bail to petitioner in the following manner:-

“Learned Additional Public Prosecutor, U.T., Chandigarh, seeks time to have instructions regarding fate of FIR No. 212 of 2021, registered at Police Station Sector-17, Chandigarh.

Posted on 20.07.2023.

Till the next date of hearing, petitioner be released on interim bail in the present case on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court / CJM / Duty Magistrate concerned.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below.

(5) Learned Counsel for the UT, Chandigarh on instructions from S.I. Rajesh has acknowledged the above factual position.

(6) Heard both sides and perused the paper-book.

(7) Keeping in view the facts that petitioner is fully cooperating before the Court below and there is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

(8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 12.06.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(10) The above observations may not be construed as an expression of opinion on the merits of the case.

- (11) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, the UT, Chandigarh would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.

July 20th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No