

**Neutral citation No.:2023:PHHC:056300**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**212**

**CRM-M-9939-2023 (O&M)**

Date of Decision: 21.04.2023

Sukhdev Singh Johal

....Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Jasdeep Singh Gill, Advocate  
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

Mr. Deepak Nayar, Advocate for respondent No.2.

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**ANOOP CHITKARA, J.**

**CRM-16631-2023**

Allowed, as prayed for. Written reply on behalf of respondent No.2 is taken on record.

**Main case**

The complainant (petitioner herein) has come up before this Court seeking cancellation of bail granted to the accused/respondent No.2 vide order dated 30.01.2023, passed by this Court in CRM-M-3042-2023, on the ground that at the time of filing of the bail, material facts were concealed and this Court was misled.

2. Counsel for respondent No.2 submits that the bail may not be cancelled and if there is any concealment, it might be bona fide mistake and in fact there is so such omission of wrong statement.

3. I have heard counsel for the complainant and on realizing that this Court is likely to cancel the bail, the accused counsel states that the bail should not be cancelled and she would have no objection if some stringent conditions are added in the order dated 30.01.2023.

3. Given above, in the order dated 30.01.2023, the following condition is added:-

(i) Given the nature of the allegations and the other circumstances peculiar to this case, the accused shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

(ii) Within fifteen days from today, the accused shall procure a

smartphone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned before. The accused shall always keep the phone location/GPS on the “ON” mode. Whenever the Investigating officer asks to share the location, the accused shall immediately do so. The accused shall neither clear the location history, WhatsApp chats, calls nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whatever is earlier.

(iii) Within 15 days, accused shall forward notarized affidavit to the Investigator/SHO and the complainant/victim(s), regarding complete details of bank account numbers with addresses, fixed deposits, DEMAT account numbers, the current market value of jewellery, sovereign metals, all precious articles, held either individually or jointly, and cash-in-hand.

4. It is clarified that in case, the accused fails to comply with the newly added condition, it shall be permissible for the complainant to file a fresh application for cancellation of bail and on this ground alone, the bail will be cancelled.
5. Petition is disposed of in the terms mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

21.04.2023  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/no |
| Whether reportable?       | Yes/no |