

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43793-2023 (O&M)

Date of decision: 02.09.2023

Gurwinder Singh Bedi

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vicky Sharma, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for partial quashing of order dated 29.07.2023 (Annexure P-2) passed by the learned Additinal Sessions Judge, S.A.S Nagar, Mohali in FIR No.129 dated 10.07.2021, under Sections 406, 420 and 120-B IPC and Section 24 of Immigration Act, registered at Police Station Phase 1, District SAS Nagar, Mohali, Punjab.

2. Learned counsel for the petitioner has submitted that the learned Additional Sessions Judge Mohali vide order dated 29.07.2023 while granting bail has imposed a condition to deposit Rs. 4,90,000/- within a period of one month in the form of FD. He submitted that such a onerous condition is not permissible under the law in view of the judgment of the Hon'ble Supreme Court in *Sumit Mehta Versus State of N.C.T of Delhi, 2013 (5) SCC 570*.

3. Notice of motion.

4. Mr. Ramdeep Partap Singh, Senior DAG, Punjab accepts notice on behalf of the State of Punjab and states that he has no objection in case the aforesaid condition which is an onerous condition is deleted in view of the judgment of the Hon'ble Supreme Court in *Sumit Mehta Versus State of N.C.T of Delhi (Delhi)*.

5. I have heard the learned counsel for the parties.

6. Learned Additional Sessions Judge Mohali vide order dated 29.07.2023 has granted bail to the petitioner while imposing a condition of deposit of Rs. 4,90,000/-. Such an onerous condition for grant of bail cannot be imposed and as per the bail order, the petitioner has been granted bail subject to furnishing personal bonds in the sum of Rs. 30,000/- with one surety in the like amount to the satisfaction of the trial Court.

7. Consequently, the present petition is allowed. The condition which has been imposed for deposit of an amount of Rs. 4,90,000/- is not sustainable and such a condition is directed to be deleted and modified accordingly.

(JASGURPREET SINGH PURI)
JUDGE

02.09.2023
rakesh

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