

201 CRM-A-140-MA-2013

GIAN CHAND V/S RAMESH CHAND & ORS

Present: Mr. Balam Singh, Advocate for
Mr. R.S. Chauhan, Advocate for the applicant.

Mr. Rajiv Trikha, Advocate
for respondents No. 1, 2 and 4.

Despite service, none has put in appearance on behalf of respondent No. 3.

Given above, Ms. Vamika Johar, Advocate (E.No. PH-3236-2020) is appointed as Legal Aid Counsel on behalf of respondent No. 3 to assist the Court in this matter. Counsel for the applicant has supplied the complete set of paper book to legal aid counsel.

Counsel appearing for the applicant submits that the present application was filed against acquittal in the year 2012 and he has a very good case on merit.

Counsel for respondents No. 1, 2 and 4 submits that the judgment of acquittal is well reasoned and leave to appeal should not be granted. He further submits that in case, this Court grants leave to appeal and admit the main appeal, its turn will not come for hearing for decades, as such pendency of the appeal may be treated inconsequential for the respondent.

Leave to appeal granted.

Counsel for respondents No. 1, 2 and 4 submits that they be exempted from furnishing bail bonds/surety bonds before the concerned trial Court or Chief Judicial Magistrate. They undertake to surrender before the majesty of Court as and when this Court directed to do so or in case of reversal of the judgment.

Given such undertaking, there shall be no need to furnish bail bonds/surety bonds by respondents No. 1, 2 and 4.

The accused/respondent No.3 to execute a bond for attendance within two months, undertaking to appear in this court, in case the appeal is allowed.

In Mahidul Sheikh v. State of Haryana, CRM-33030-2021 in CRA-S-363-2020, decided on 14-01-2022, Para 53, this Court observed,

[53]. The pragmatic approach is that while granting bail with sureties, the "Court" and the "Arresting Officer" should give a choice to the accused to either furnish surety bonds or to handover a fixed deposit, or direct electronic money transfer where such facility is available, or creating a lien over his bank account. The accused should also have a

further option to switch between the modes. The option lies with the accused to choose between the sureties and deposits and not with the Court or the arresting officer.

Given above, within two months, the accused/respondent No. 3 shall furnish a personal bond of Rs. Ten Thousand only (INR 10,000/-) to the satisfaction of the concerned Trial Court/Duty Magistrate.

The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the accused along with the phone number(s), WhatsApp number (if any), e-mail (if any), and in case of any change, the Accused shall immediately and not later than 30 days from such modification, intimate about the change of residential address and change of phone numbers, WhatsApp number, e-mail accounts, to the Registry of this Court.

The furnishing of the personal bonds shall be deemed acceptance of the all stipulations, terms, and conditions of this bail order.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Registry to send copy of this order to the trial Court as well as to respondent No. 3. It is clarified that in case, after getting the copy of this order, respondent No. 3 does not furnish bonds within two months, trial Court might proceed further in accordance with law.

Legal aid counsel shall be entitled to her fee as per rules subject to her appearance.

Main appeal

Admit.

List for final hearing on its own turn as per its queue.

It is clarified that the pendency of this appeal shall not be construed against the accused-respondents No. 1, 2 and 4 in any manner whatsoever.

(ANOOP CHITKARA)
JUDGE

03.09.2024
Jyoti-II