



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

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CRM-M-29252-2023

Date of decision: 31.07.2024

Deepika Chalana

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Viraj Gandhi, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Ritesh Tomar, Advocate for
Mr. Anil Kumar Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking cancellation of bail under Section 482 read with Section 439(2) of the Cr.P.C. granted to respondent No.2-accused vide order dated 13.01.2022 by learned Additional Sessions Judge, SAS Nagar, Mohali in case FIR No.83 dated 23.02.2021 under Sections 406, 420, 120-B of the IPC registered at Police Station Zirakpur.

2. Learned counsel for the petitioner contends that respondent No.2-accused was extended the concession of regular bail by the learned Trial Court vide order dated 13.01.2022 subject to specific conditions, including furnishing of security in the form of surety of movable/immovable property worth Rs.50 lakhs within 07 days of his



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release in addition of bail bonds/surety bonds of Rs.1 lakh. In support, attention of this Court has been drawn to Annexure P-2.

3. Learned counsel for the petitioner has submitted that in terms of the aforesaid bail order, respondent No.2-accused furnished the required security/surety bonds along with jamabandi submitted by one Gian Singh, however, vide a report dated 14.03.2022 it came to light that the said jamabandi had not been issued by the authorities concerned, and Gian Singh had died 20 years prior thereto. Additionally, father of respondent No.2-accused initially provided surety with an FDR of Rs.1 lakh, which was later replaced by a bond from Jagdish Ram, whose property already stood attached. It has been argued that since there was non-compliance of the conditions stipulated in the bail order dated 13.01.2022, and respondent No.2 had furnished false and forged documents in the form of surety, the bail granted to him ought to be cancelled, and a case be also registered against him for furnishing false surety bonds.

4. Per contra, learned counsel appearing for respondent No.2-accused has opposed the prayer and submissions made by the counsel opposite. It has firstly been submitted that the petitioner has no locus standi to file the instant petition as he is not even the complainant in the FIR No.83 dated 23.02.2021 in which respondent No.2 was granted the concession of bail by the learned Trial Court on 13.01.2022. It has further been submitted that there has been no breach of any conditions imposed by the learned Trial Court, and in the absence of any supervening circumstances, the prayer of the petitioner deserves to be



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declined. It has still further been submitted that in compliance of the conditions imposed by the learned Trial Court in its order dated 13.01.2022, respondent No.2-accused had not only furnished a surety in the sum of Rs.1 lakh but also furnished a bank guarantee to the tune of Rs.50 lakhs. Furthermore, it has been submitted that as far as furnishing surety in the form of property which was later found to have been previously attached, it was a bonafide mistake as respondent No.2-accused was admittedly in custody at that point in time, and after coming to know about the said fact, he immediately furnished surety bonds of the same amount.

5. A pointed query was put to the learned State counsel as to whether respondent No.2-accused had breached any conditions imposed upon him by the learned Trial Court or had been involved in any other criminal case, he, on instructions has replied in the negative.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. A perusal of the order dated 13.01.2022 reveals that respondent No.2-accused has admittedly complied with the terms and conditions imposed by the learned Trial Court. Furthermore, the surety in question seemingly was furnished in good faith by respondent No.2, which had subsequently been replaced when he learnt that the property in question already stood attached. Coming next to the prayer made by learned counsel for the petitioner that a criminal case ought to be registered against respondent No.2 for playing a fraud upon the learned Trial Court by furnishing false and forged documents in the form of

surety, this Court does not find any merit in the said prayer; it would be best left to the Court concerned, if it deems it appropriate to take action, if any, under the provisions of law.

8. In the facts and circumstances as enumerated hereinabove, this Court does not find any merit in the instant petition. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No