

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

CRM-M-8412-2024

Date of Decision:-07.02.2025

Ramesh Kumar Garg.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishal Garg Narwana, Advocate,
Mr. Rahul Gupta, Advocate,
Mr. Vikas Barala, Advocate,
Mr. Vazir Singh Mor, Advocate and
Mr. Minku Sangwan, Advocate for the petitioner(s).

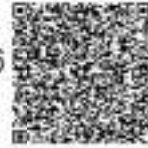
Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Gurjinder Singh, Advocate and
Mr. Ajal Pal Singh, Advocate
for the respondent No.2

JASJIT SINGH BEDI, J.

The Prayer in this petition under Section 439(2) Cr.PC read with Section 482 Cr.PC is for quashing/setting aside the order dated 23.11.2023 (Annexure P-1) passed by this Court in CRM-M-58151-2023 whereby the concession of regular bail has been granted to respondent no.2 in case FIR No.28 dated 01.07.2023 under Sections 406, 420, 465, 467, 468, 471 IPC P.S. City Kurali, District Mohali, Punjab.

2. The brief facts of the case are that one Ramesh Garg got registered FIR No.28 dated 01.07.2023 under Sections 406, 420, 465, 467, 468, 471 IPC P.S. City Kurali, District Mohali, Punjab against the



respondent no.2. He was arrested on 4.7.2023 and sought the concession of bail. This Court vide order dated 23.11.2023 in CRM-M-58151-2023 granted him the said concession on the following conditions:-

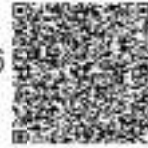
“ 9. *The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.*

10. *The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.”*

3. After appearing before the concerned police station on 04.12.2023 pursuant to the aforementioned order dated 23.11.2023, he never appeared thereafter because of which the instant petition has been filed.

4. The Counsel for the petitioner contends that this Court had granted the respondent no.2 bail on certain conditions which the respondent no.2 had violated and, therefore, the said order dated 23.11.2023 (Annexure P-1) is liable to be set aside and the respondent no.2 be committed to custody.

5. The Counsel for the respondent no.2 on the other hand contends that after the grant of bail, the respondent no.2 appeared before the concerned police station on 04.12.2023. However, an FIR No.26 dated 31.01.2024 under Sections 420, 465, 467, 468, 471, 474 and 120-B IPC P.S. Kharar, District SAS Nagar was registered against him because of which he could not appear before the concerned police station in pursuance to the order Annexure P-1. In FIR No.26 dated 31.01.2024 he sought the



concession of anticipatory bail and the court of Additional Sessions Judge, Mohali declined the same on 07.02.2024. He approached this Court vide CRM-M-12959-2024 and this court also dismissed his anticipatory bail on 14.03.2024. Thereafter he approached the Hon'ble Supreme Court vide SLP (Crl.)11725 of 2024 and that Court also declined to grant him the concession of anticipatory bail. Pursuant thereto the respondent no.2 surrendered before the JMIC, Kharar on 04.10.2024 and is currently lodged in Ropar Jail ever since then. Therefore, apparently, it was on account of the registration of FIR No.26 dated 31.01.2024 under Sections 420, 465, 467, 468, 471, 474 and 120-B IPC P.S. Kharar, District SAS Nagar and him availing his legal remedy of anticipatory bail that he was unable to comply with the order of this Court could not appear before the police station on the 1st Monday of every month. He therefore, contends that the present petition ought to be dismissed.

6. The Counsel for the State on the other hand while relying on the reply dated 23.07.2024 already on record, contends that the respondent no.2 has violated the orders of this Court and therefore, the bail granted to him ought to be cancelled. He however concedes that FIR No.26 dated 31.01.2024 had been registered against the respondent no.2 in which case, after availing his legal remedy of anticipatory bail upto Hon'ble Supreme Court he had surrendered on 04.10.2024.

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

8. This Court vide order dated 23.11.2023 (Annexure P-1) granted bail to the respondent no.2 and certain conditions were imposed. Though, the respondent no.2 complied with the said conditions by appearing before the concerned police station on 04.11.2023, pursuant thereto it appears that as FIR No.26 dated 31.01.2024 had been registered against him, he sought



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the concession of anticipatory bail before the ASJ, Mohali and thereafter before this Court and later before the Hon’ble Supreme Court which dismissed his anticipatory bail on 24.08.2024 after which he surrendered before the JMIC, Kharar on 04.10.2024.

9. A perusal of the aforementioned facts would show that the respondent no.2 has not willfully violated the conditions imposed in the order Annexure P-1 but was unable to comply with the conditions imposed therein as he was availing his legal remedy pursuant to the registration of FIR No.26.

10. Therefore, I do not deem it appropriate to cancel the bail granted to the petitioner and hence the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

February 07, 2025
Vinay

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