



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 03.02.2025

1. CRR-1302-2022 (O&M)

Vijay Kumar Mittal ...Petitioner

Versus

State of Haryana ...Respondent

2. CRR-1309-2022 (O&M)

Amarjit Singh ...Petitioner

Versus

State of Haryana ...Respondent

3. CRM-1301-2022 (O&M)

Pooja Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurmej Singh, Advocate
for Mr. Samjot Singh, Thind, Advocate
for Mr. Sudhir Kumar Pandey, Advocate
for the petitioner(s).

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Ankush Bharti, Advocate
for Mr. K.K. Goel, Advocate
for the complainant(s).

Harpreet Singh Brar, J. (Oral)

1. This common order shall dispose of all the above mentioned petitions as they arise from similar factual matrix. However, for the sake of brevity, the facts are taken from CRR-1302-2022.



2. The instant revision petition has been preferred against impugned order dated 25.05.2022 whereby the petitioner was granted interim bail, however, subject to the condition that he shall deposit 50% of the outstanding loan amount within 15 days, failing which, the bail order stand vacated.

3. Learned counsel for the petitioner(s) *inter alia* contends that a loan of Rs. 13 lakhs was disbursed to the petitioner against gold weighing 382.2 grams. The petitioner executed various documents in this regard and the gold pledged by the petitioner was duly evaluated by a jeweller, who was on the panel of the complainant-bank. Due to financial difficulty in repaying the loan amount, the petitioner's loan account became a NPA. The bank in order to recover the loan account, got the gold reappraised and it was discovered that the gold pledged by the petitioner is fake and under-weight. Clearly, the complainant-bank failed to safeguard the pledged gold lying in its custody since the petitioner had handed over genuine gold articles, whose purity and weight were duly approved and certified by an empanelled jeweller. Further, the outstanding loan amount is adequately covered by the gold pledged by the petitioner with the complainant-bank. The learned Court below while granting interim bail to the petitioner has imposed an unfair and unwarranted condition while placing reliance on the order passed by this Court in ***Vipin Bakshi vs. State of Haryana CRM-M-10897-2022*** dated 13.05.2022. A perusal of the ***Vipin Bakshi's case (supra)*** would reveal that no condition demanding the deposit of 50% of the loan amount was ever imposed on the accused. In fact, an application filed by the bank seeking issuance of direction to the effect that the accused be instructed to deposit 50% of the loan amount came to be rejected.



4. *Per contra* learned counsel for the respondent opposes the prayer of the petitioner as the learned Court below has passed a well-reasoned order based on correct appreciation of evidence available on record, and as such, no interference is warranted by this Court.

5. I have heard the learned counsel for the parties and have perused the record with their able assistance. It is now a well-settled principle of law that bail is the rule and jail is the exception, as consistently reiterated by the Hon'ble Supreme Court in a catena of judgments. The jurisprudence surrounding bail underscores that its object is neither punitive nor preventive; rather, it serves the limited purpose of securing the presence of the accused during trial. Any conditions imposed while granting bail must be in furtherance of this objective and should not amount to an indirect means of punishment or coercion. The imposition of a condition requiring the accused to pay 50% of the outstanding loan amount within 15 days, failing which the interim bail order shall stand vacated, is manifestly extraneous to the purpose of bail and does not align with the settled principles governing its grant. Such conditions, being onerous and unconnected to securing the presence of the accused for trial, run contrary to the fundamental tenets of bail jurisprudence.

6. The Hon'ble Supreme Court in the case of ***Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40*** has made the following observations:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to



the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson."

7. In light of the discussion above, all three petitions are allowed and the impugned order(s) dated 25.05.2022 are set aside to the extent that the petitioner shall deposit 50% of the outstanding loan amount within 15 days, failing which, the bail order stand vacated.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

9. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

03.02.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No