

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

2025:PHHC:116871



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**CRM-M-35768-2025 (O&M)**

**Date of Decision: 29.08.2025.**

Sahil Jain

...Petitioner.

Versus

Superintendent (Anti Evasion)

...Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

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Present: Mr. Deepak Gupta, Advocate for the petitioner.

Mr. Sourabh Goel, Sr. Standing Counsel for respondent.

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**SUKHVINDER KAUR, J.**

This petition has been filed by the petitioner under Section 484 Cr.PC read with Section 528 of BNSS seeking quashing of bail condition requiring furnishing of Bank Guarantee/ FDR of Rs.50,00,000/- imposed by order dated 11.01.2021, on the ground that the earlier surety has withdrawn and the petitioner is now financially incapable of complying with the said condition.

2. The relevant facts for adjudicating the present petition are that the petitioner, who is facing prosecution in the aforementioned complaint case, applied for his release on bail under Section 167(2) Cr.PC, wherein the Court vide its order dated 11.01.2021 accepted the prayer and admitted him to bail by imposing the following conditions:

1. Accused shall furnish a bank guarantee/FDR for an amount of Rs.50 lakhs to be forfeited to the State in case of violation of any of the terms and conditions imposed vide this order.

2. Accused shall come present on each and every date of hearing for appearance in the Court and for trial of the case.
3. Accused shall not leave the jurisdiction of this Country without permission of the Court. He shall surrender his passport in the Court if he possesses the same and in case he do not hold any passport his undertaking in form of an affidavit that he will not get any passport issued in his name without permission of the Court.
4. Accused shall not commit any offence of like nature or any other offence punishable under law.
5. Accused shall not try to influence the witnesses of the prosecution or tamper with the evidence.
6. Accused shall not change his appearance during the course of trial.

3. Learned counsel for the petitioner has contended that being aggrieved by condition requiring of a bank guarantee/FDR of Rs.50,00,000/-, the petitioner assailed the same by filing a petition bearing CRM-M-4374 of 2021 titled 'Sahil Jain Vs. Joint Commissioner', which was dismissed vide order dated 03.03.2021 by Co-ordinate Bench of this Court. Pursuant to dismissal of the aforesaid petition, the petitioner arranged for a surety, who furnished a Bank Guarantee of Rs.50 lakhs in compliance with the bail condition imposed by order dated 11.01.2021 and the trial Court ordered to release the petitioner on bail. The petitioner had been diligently and regularly appearing before the trial Court without any violation of the conditions imposed or misuse of the liberty granted to him. Surety, namely, Jatinder Kumar Sachdeva, filed an application bearing CRM-M-1724-2025 dated 09.04.2025 seeking release of the furnished FDR on account of financial necessity. Learned trial Court, vide order dated 26.05.2025, allowed the surety to withdraw the FDR and directed the

petitioner to furnish a fresh surety. The petitioner failed to furnish the fresh surety on 31.05.2025 and on that day, learned trial Court granted further time to comply with the direction taking into consideration the conduct exhibited by the petitioner during the ongoing proceedings. He urged that despite making best efforts, the petitioner is unable to arrange a surety of such a substantial amount i.e. Rs.50 lakhs, so, the petitioner has preferred the present petition before this Court seeking quashing of the bail condition requiring the furnishing of a bank guarantee/FDR of Rs.50 lakhs as imposed vide order dated 11.01.2021. He submitted that with the aforesaid changed circumstances, Section 484 of BNSS empowers the Court to revisit the bail condition to ensure that the intent behind granting bail is to secure the attendance of the accused during trial and to ensure that the fairness of proceedings is not defeated by overly stringent or onerous requirements. The continued imposition of such a condition, in the face of the economic incapacity of the petitioner, amounts to constructive denial of bail and has requested that while invoking jurisdiction under Section 484 of BNSS, the faoresaid bail condition be quashed.

4. I have heard learned counsel for the petitioner at considerable length and have gone through the material placed on record.

5. Perusal of order dated 03.03.2021 (Annexure P2) in CRM-M-4374-2021 passed by Co-ordinate Bench of this Court reveals that earlier also the order dated 11.01.2021 (Annexure P1) had been challenged before this Court and the said petition had been dismissed by the Co-ordinate Bench of this Court while holding that the impugned condition was founded on sound judicial principles and there was no ground to exercise its inherent power under Section 482 Cr.P.C..

6. Thus, the impugned order dated 11.01.2021 (Annexure P1) imposing condition of furnishing a bank guarantee of Rs.50 lakhs has already been upheld while passing a detailed order by Co-ordinate Bench of this Court. This contention of learned counsel for the petitioner that the present petition is maintainable due to change in circumstances after the surety has withdrawn, sans merits. Rather it appears that the petitioner is reagitating the matter on the same ground, which were earlier also available to him and which have already been dealt with by Co-ordinate Bench of this Court while passing order dated 03.03.2021.

7. Keeping in view the aforesaid facts and circumstance, the present petition stands dismissed.

8. However, the observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

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

**(SUKHVINDER KAUR)**  
**JUDGE**

**29.08.2025.**

*Komal*

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|----------------------------|---|---------|
| Whether speaking/reasoned? | : | Yes/ No |
| Whether reportable?        | : | Yes/ No |