



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

191

CRM-M No.14476 of 2026 (O&M)

Date of Decision: 16.03.2026

Vivek Chohan

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. P.S.Ahluwalia, Sr. Advocate with
Mr. Deevanshu, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Munish Kumar Garg, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

The extraordinary jurisdiction vested in this Court by virtue of Section 528 of 'Bharatiya Nagrik Surakhsa Sanhita 2023' has been invoked for modification of order dated 12.03.2026, passed by the learned Additional Sessions Judge, Jind, hereinafter being referred to as 'impugned order' only.

2. Briefly stating the facts emerging from record are that the petitioner, who has been prosecuted vide FIR No204 dated 08.06.2024, for the commission of offence punishable under Sections 406 and 420 of IPC, Police Station Civil Line Jind had approached the Court of learned Additional Sessions Judge, Jind for anticipatory bail. The Court of learned Additional Sessions Judge while dealing with above mentioned application, vide order dated 12.03.2026, accorded the benefit of interim anticipatory bail to the petitioner but subject to several conditions.



3. The petitioner is primarily aggrieved of two conditions imposed by the learned Additional Sessions Judge:-

- i) the direction to deposit the passport with the police authority;
- ii) the direction to the petitioner to appear before the Court at the time of hearing of bail application.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Ramender Singh Chauhan, AAG, Haryana, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. Mr. Munish Kumar Garg, Advocate puts in appearance on behalf of complainant and files Power of Attorney. The same be taken on record.

7. It has been contended by leaned counsel for the petitioner that in the present case the petitioner is apprehensive of the fact that if he appeared before the Court of learned Additional Sessions Judge, at the time of hearing of bail application, in case of dismissal of bail application he will be immediately taken into custody, and thus, would be deprived of his valuable right to file a petition for anticipatory bail before this Court.

8. In addition to above, the learned counsel for the petitioner has also contended that the Court of learned Additional Sessions Judge has issued a direction to the petitioner to deposit the passport, and that such onerous condition will create hardship for the petitioner, as his family is still residing at Dubai and the petitioner requires passport not only for travelling abroad, but also to seek the extension of visa etc.



9. In view of above, the learned counsel for the petitioner has contended that a direction be given to the learned trial Court to modify the above mentioned order dated 12.03.2026 and withdraw the above mentioned condition. In support of his arguments learned counsel for the petitioner has placed reliance upon the principles of law, laid down by this Court in the case of 'Ram Lubhaya and others Vs. State of Punjab and another', 2026(1) RCR (Criminal) 362, wherein it has been observed that the condition for depositing a passport should not be imposed by the Court in a mechanical manner, and that the Court while issuing the above mentioned directions must adhere to the principles of proportionality and reasonableness.

10. The learned State counsel being assisted by learned counsel for the complainant has controverted the above mentioned arguments. According to learned State counsel in the present case the allegations against the petitioner are for the commission of very serious nature of offence, as he has committed fraud for a sum of rupees more than fifty crores. It has also been contended by learned State counsel that if the above mentioned conditions are not imposed upon the petitioner he may flee from the country and then it will be very difficult to procure his presence before the learned trial Court. While claiming that the above mentioned conditions are not illegal, the learned State counsel, being assisted by learned counsel for the complainant, has contended that the present petition is devoid of merit and deserves dismissal.

11. The record has been perused carefully.

12. As far as the condition with regard to deposit the passport is concerned, during the course of argument the learned counsel for the petitioner



has fairly conceded that the petitioner will deposit the passport in the Court, and that as and when he will require it for any purpose, he will move an application before the learned trial Court, and seek appropriate permission and collect the passport.

13. In view of above mentioned submissions of learned counsel for the petitioner, it is hereby observed that with regard to condition of depositing passport the learned trial Court need not to modify the impugned order. However, it is clarified that instead of depositing passport with the police authorities the same be deposited in the Court and the same shall form part of judicial record only.

14. With regard to condition of physical presence of the petitioner before the Court of learned Additional Sessions Judge, at the time of hearing of bail application it is hereby ordered that the petitioner shall appear before the Court of learned Additional Sessions Judge at the time of hearing of his bail application. However, in case the bail application moved by the petitioner does not find favour before the Court, the petitioner shall not be taken into custody for a period of next two weeks. However, the Court of learned Additional Sessions Judge shall be at liberty to seek the bail bonds from the petitioner. The petitioner will be at liberty to avail his legal remedy in the meanwhile. With the above mentioned observations, the present petition stands **disposed off**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

16.03.2026
Manoj Bhutani

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