

Darshan Singh Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Feb-25-1993

Reported in : 1993CriLJ1973

Judge : Rajesh Balia, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 438

Appeal No. : Cr. Misc. Petn. No. 50 of 1993

Appellant : Darshan Singh

Respondent : State of Rajasthan

Advocate for Def. : H.R. Panwar, Public Prosecutor

Advocate for Pet/Ap. : Kulwant Singh, Adv.

Disposition : Petition allowed

Judgement :

ORDER

Rajesh Balia , J.

1. Heard.

2. Learned counsel for the petitioner has urged that after passing the order for interim bail under Section 438, Cr.P.C., the Addl. District and Sessions Judge, Hanumangarh has further imposed a condition that he should deposit Rs. 25,000/- in the Gurdwara Account or should furnish a Bank guarantee for payment of amount of Rs. 25,000/-, alleged to have been embezzled by him in his capacity of Manager/Granthi of the Gurdwara, failing which the interim order granted under Section 438, Cr.P.C. shall stand revoked. Imposition of this condition, according to learned counsel, is not warranted under the provisions of Section 438, Cr.P.C. as it amounts to determination of civil dispute between the parties and not related to purpose for imposing conditions while granting bail. It may be noticed that the case against the petitioner-accused is that he has embezzled Rs. 25,000/- from accounts of the Gurdwara. In support of his contention, learned counsel relied on *Bhanwarlal v. State of Rajasthan*, 1979 Raj Cri C 158, wherein this Court has taken the view that conditions like the one imposed by the trial court in the present case, cannot be a condition relevant for the purpose of granting bail under the Code of Criminal Procedure. I am in respectful agreement.

3. The application of the petitioner is allowed. The condition for deposit of Rs. 25,000/- in the account of Gurdwara or to furnish a Bank guarantee for payment of the same, imposed by the trial Court vide impugned order dated 4-1-1993, is unsustainable. Consequently, the petition is allowed and the order passed by the Addl. Sessions Judge No. 1, Hanumangarh Camp Suratgarh, dated 4-1-1993, passed in Sessions Case No. 400/92 State v. Darshan Singh, is set aside.