

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

CRM-M-40062-2015

Date of decision : 24.12.2015

Baljinder Singh @ Bhaiya

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Vivek Salathia, Advocate,  
for Mr. Vikas Gupta, Advocate,  
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab,  
assisted by ASI Jugraj Singh.

**JITENDRA CHAUHAN, J. (Oral)**

This petition under Section 482 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') read with Section 439(1)(b) Cr.P.C., has been filed for quashing of order dated 17.11.2015, passed by learned Additional Sessions Judge-cum-Judge, Special Court, Tarn Taran, whereby, the petitioner has been allowed bail subject to production of surety, Joban Singh, and payment of amount to be ordered by the Court after serving notice to the surety under Section 446 Cr.P.C.

Heard.

The grouse of the petitioner that the trial Court, while accepting the bail application of the petitioner put a condition for the

production of surety, Joban Singh, and then the payment of amount which would be ordered by the Court in future after initiating proceedings under Section 446 Cr.P.C.

In the considered opinion of this Court, the condition imposed by the trial Court is unreasonable. As per the interim order, the petitioner has already been re-admitted to bail subject to his furnishing fresh bail bonds in the sum of Rs.50,000/- with a local surety in the like amount. However, the condition precedent of producing previous surety Joban Singh and serving notice under Section 446 Cr.P.C. upon him and after depositing of fine to be imposed by the Court for accepting the fresh bail bonds is unsustainable.

In view of the above, the present petition is allowed and the condition imposed by the trial Court of producing previous surety Joban Singh and serving notice under Section 446 Cr.P.C. upon him and after depositing of fine, is set aside. The petitioner be released on bail after accepting fresh bail bonds in the sum of Rs.50,000/- with a local surety in the like amount against immovable property.

**24.12.2015**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**