

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

Crl. Misc. No.M-4434 of 2015

Date of Decision: 10.02.2015

Avinash Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Mohinder Kumar, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

Manjit Kaur wife of petitioner No.1, namely, Avinash Singh, has approached this Court by way of filing petition under Article 226 of the Constitution of India for issuance of writ in the nature of *habeas corpus* for production and release of detenues-Avinash Singh, Manjit Singh @ Ricky, Inderjit Kaur and Sujan Singh, who were stated to be picked up by the police on the intervening night of 21/22.01.2015 and on 27.01.2015 from their residence and kept them in illegal custody at Police Station Division No.5, Jalandhar.

Said petition came up for hearing before this Court on 29.01.2015 and on the said date, notice of motion was issued for 16.02.2015 and the Warrant Officer was appointed to visit the place of wrongful confinement and get the said detenues released. However, the warrant officer raided the premises of police station and found that the said

persons were involved in case under Sections 107 and 151 Cr.P.C vide DDR No.28 dated 28.01.2015 registered at Police Station Division No.5, Jalandhar. After showing their arrest memo, they were produced in the Court of Additional Deputy Commissioner of Police-cum-Executive Magistrate, Jalandhar on 29.01.2015. A notice was issued under Section 111 of the Code of Criminal Procedure to the said persons, who are petitioners before this Court and were asked to submit personal bond of ₹ 3 lacs, with three fit sureties like prominent person, gazetted officer, municipal councillor, sarpanch of the village, numberdar, member panchayat, government doctor, government principal and any government employee, who was having good reputation, with surety amount of ₹ 3 lac each, for their release on bail in proceedings initiated against them under Sections 107 and 151 Cr.P.C.

The petitioners could not submit surety of such heavy amount being financially weak to arrange three sureties of the amount of ₹ 3 lacs, each. When they failed to do so, they were sent to judicial custody till 11.02.2015.

Learned counsel for the petitioners submits that the offences are bailable in nature. The surety amount is heavy and the petitioners, being poor persons, are not in a position to arrange sureties as required in the notice.

Notice of motion.

Notice on behalf of respondent-State has been accepted by Ms. Ritu Punj, Additional Advocate General, Punjab.

After considering the submissions made by learned counsel for the petitioners and by accepting the fact that the petitioners are financially weak; the surety amount of ₹ 3 lacs, which appears to be on the higher side, is reduced from ₹ 3 lacs each to ₹ 50,000/-, each and the petitioners

are directed to be released on bail on their submitting personal bonds with local surety of an amount of ₹ 50,000/- each.

The petition is disposed of accordingly.

10.02.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE