

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

CRM-M-30251 of 2018.

Decided on:-July 20, 2018.

Basanti Devi Bishnoi.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kunal Muthreja, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.PC is for quashing of orders dated 05.03.2018 and 16.05.2018 passed by learned Additional Sessions Judge, Faridabad, whereby bail has been granted to the petitioner by putting a condition to furnish bank draft/FDR, bank guarantee of Rs.2 lakh.

Counsel for the petitioner states that learned appellate Court has put a very harsh condition of furnishing bank guarantee of an amount of Rs.2 lakh. The petitioner is a widow and is not able to arrange such a huge bank guarantee. The imposition of such a harsh condition is nothing but denial of bail. However, the petitioner is ready to furnish bank guarantee of Rs.50,000/-.

Notice of motion to respondent No.1 only at this stage.

Notice to respondent No.2 is not being issued as it would further delay the proceedings.

On asking of this Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana accepts notice on behalf of the State.

Learned counsel for the petitioner is directed to supply requisite number of complete copies of the paper book to learned State counsel during course of the day.

Heard.

Poverty alone should not be the ground to deny the relief. Moreover, the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 03.02.2018 passed by learned Judicial Magistrate 1st Class, Faridabad is pending before the appellate Court and is required to be decided on merits. Therefore, this Court finds substance in the prayer of the counsel for the petitioner.

Accordingly, the impugned orders dated 05.03.2018 and 16.05.2018 passed by learned Additional Sessions Judge, Faridabad are modified to the extent that instead of furnishing bank draft/FDR/bank guarantee of Rs.2 lakh, the appellate Court shall permit the petitioner to furnish bank draft/FDR/ bank guarantee of Rs.50,000/- within a period of two weeks from today.

With the aforesaid modification, the present petition stands disposed of.

July 20, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No