

275

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45400-2019
Date of decision-22.11.2019

Rohit

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner-Rohit has laid a limited challenge to the impugned condition imposed in the order dated 12.09.2019 whereby the trial Court while extending the regular bail to him imposed a condition of furnishing surety bond for a sum of Rs.50,000/- from the family member or other relative of the petitioner and that too duly verified from Sarpanch or Municipal Councilor.

Learned counsel for the petitioner contends that petitioner being an accused in case FIR No.164 dated 13.04.2019 registered under Section 21 (b), 29, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station City Tohana, had applied for regular bail before the trial Court and the said concession was extended vide order dated 12.09.2019 passed by Additional Sessions Judge, Fatehabad. He submits that the petitioner is a resident of Tohana (State of Haryana) and the subject

FIR was also registered at the Police Station, City Tohana. He submits that the condition imposed by the trial Court is unreasonable as the object of furnishing surety is to give a bond to the Court with an undertaking/guarantee that the accused would continue to appear before the Court. He submits that the petitioner is a poor person and the amount of surety bond as directed by the trial Court is Rs.50,000/- and none of his relative is in a position to furnish the surety bond for such an amount. He submits that the petitioner would furnish some other surety to the satisfaction of the trial Court.

Learned counsel for the petitioner further contends that earlier the petitioner was extended the concession of regular bail on 13.06.2019 without any such restriction and was released on bail. However, on one of the dates, the petitioner could not appear and therefore, his bail was cancelled. The petitioner after surrendering had applied again for bail and the Court has extended the concession of regular bail on 12.09.2019, but with the impugned condition. It is prayed that the condition be set aside.

Reply by way of affidavit of Umed Singh, HPS, Deputy Superintendent of Police, Tohana has been filed wherein the prayer of the petitioner in the petition has been opposed. Learned State counsel has also argued that the condition imposed by the trial Court is justified. However, it is not disputed by him that previously the petitioner was extended the concession of regular bail on 13.06.2019 and at that stage, no such condition regarding surety bond was imposed by the trial Court.

After hearing learned counsel for the parties, this Court finds

that the restriction imposed by the Court is unreasonable, considering the fact that on the first occasion when the bail was extended to the petitioner, no such condition regarding surety was imposed. Even otherwise, the trial Court has to record a satisfaction that the surety is a fit person to file an affidavit and furnish the bond. Therefore, the surety if related to the accused or not, becomes insignificant.

In view of the above, the impugned condition is set aside and the order dated 12.09.2019 is modified to that extent. It is directed that the petitioner/accused shall furnish the surety in the sum of Rs.50,000/- to the satisfaction of the trial Court.

Disposed off.

(MANOJ BAJAJ)
JUDGE

22.11.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No