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

CRM-M No. 55666-2019

Date of Decision: December 30, 2019

Gurjant Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present : Mr. Amarpreet Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of interim bail to the petitioner in FIR No. 329 dated 08.10.2019 registered at police Station Jind Sadar, Jind under Section 15 of the NDPS Act 1985, on the ground that the petitioner is scheduled to get married on 02.01.2020 for which the shagun ceremony is to be performed on 01.01.2020.

Learned counsel for the petitioner has argued that vide Annexure P-2, the learned Additional Sessions Judge, Jind has already granted him interim bail for a period of 01.01.2020 to 05.01.2020, but that was subject to furnishing bail bond and surety bond in the sum of Rs. 10,00,000/- to the satisfaction of learned Illaqa Magistrate/Duty Magistrate. It has been further directed in the order that the amount

of safety bond will be deposited in the Court and released when the applicant-

accused surrenders in the jail.

Learned counsel for the petitioner has relied upon the judgment of a Coordinate bench of this Court in ***Runa Pasicha Rajput vs. State of Haryana 2019 Volume 2 RCR (Criminal)*** to contend that the condition of depositing of surety bond/money is excessive and unreasonable and in case a person is financially weak and is not in a condition to deposit the such amount, it will prejudice his/her rights.

Per contra, learned counsel for the State has argued that although, the factum of marriage is not in dispute and the petitioner has already been granted bail by the Learned Sessions Court, the fixation of the surety amount is quite reasonable. She has further stated on instructions, that the petitioner is also facing prosecution in some other cases in the State of Punjab pertaining to NDPS Act, which are at the trial stage and therefore prays for dismiss the present petition.

Heard learned counsel for the parties and perused the records.

Learned counsel for the petitioner has vehemently argued that this amount of Rs. 10,00,000/- as surety amount is not reasonable and in view of the law laid down by this Court in ***Runa Pasricha case (supra)***, the petitioner or his family is unable to furnish this huge amount of surety and that he cannot be denied bail only on the ground of non furnishing of surety. He has further argued that tenure of interim bail for five days granted by the learned Additional Sessions Judge, is also inadequate.

So far as the tenure of interim bail is concerned, admittedly the *shagun* ceremony is to be performed on 01.01.2020 and the marriage of the petitioner is to take place on 02.01.2020. It cannot be said that the period of five days is inadequate and therefore the arguments of the petitioner that tenure of five days interim bail is inadequate, is not accepted.

So far as the furnishing of adequate security and bail bonds of Rs. 10,00,000/- is concerned, in my considered opinion, the same is certainly excessive and a

surety bond and bail bond is excessive. In **Runa Pasricha case** (supra) this Hon'ble Court has referred to various provisions of the Act and has observed that once the Court comes to the conclusion on the facts and circumstances of the case, that a person is entitled to be released on bail such kind of excessive conditions cannot be imposed.

Accordingly, the present petition is partly allowed and since the condition of deposit of amount Rs. 10,00,000/- vide order dated 19.12.2019, passed by the Learned Additional Sessions Judge, Jind excessive, the petitioner is directed to be released on interim bail on executing bond in a sum of Rs. 50,000/- with two sureties of like amount to the satisfaction of the trial Court/ Illaqa Magistrate for the same period as directed by Ld. Addl. Sessions Judge, Jind vide Annexure P-2 dated 19.12.2019.

Disposed of accordingly.

A copy of this order to be supplied to the learned counsel for the petitioners under the signatures of the Court Secretary of this Court.

(JASGURPREET SINGH PURI)
JUDGE

December 30, 2019

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No