

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

110

**CRM-M- 7701-2020
Date of decision: 24.02.2020**

Hardyal Singh Cheema

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepak Gupta, Advocate
for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C') for issuance of directions to learned Judicial Magistrate Ist Class, Bathinda to accept one surety in all the 37 judgments listed in para No. 4 of the petition.

Briefly stated the facts giving rise to the filing of the present revision petition are that respondents No. 2 and 3 filed 39 complaints against the petitioner under section 138 of the Negotiable Instruments Act, 1881. In two complaints the matter was settled while in remaining 37 complaints as mentioned in para No. 4 of the petition the petitioner was convicted and sentenced. Vide order dated 14.02.2020 the petitioner was ordered to be released on interim bail on furnishing of personal bond in the sum of Rs. 2 lacs with one surety in the like amount to enable him to file appeal and on his inability to furnish sureties on that date was released on personal bond for arranging sureties upto 21.02.2020.

Learned Counsel for the petitioner has submitted that the

petitioner has been convicted and sentenced in 37 cases and ordered to be released on bail for enabling the petitioner to file appeal. However learned Judicial Magistrate Ist Class, Bathinda is insisting on furnishing of separate sureties in all the 37 cases. The petitioner is unable to arrange separate sureties in all the cases. Therefore learned Judicial Magistrate Ist Class, Bathinda may be directed to accept one surety in all the cases. In support of his contention, learned Counsel for the petitioner has placed reliance on order dated 29.10.2018 passed by Hon'ble Supreme Court in ***SLP (Criminal) No(s) 8914-8915/2018 titled Hani Nishad @ Mohammad Imran @ Vikky versus The State of Uttar Pradesh decided on 29.10.2018.***

In view of the nature of the relief claimed and to be granted, issuance of notice to respondents is considered to be unnecessary and is accordingly dispensed with.

In ***SLP (Criminal) No(s) 8914-8915/2018 titled Hani Nishad @ Mohammad Imran @ Vikky versus The State of Uttar Pradesh decided on 29.10.2018,*** the petitioner, who was involved in 31 criminal cases for various offences, was granted bail on condition of arranging two sureties each in all the cases. The High Court modified the condition of bail by directing the trial Court to accept one common surety for all the cases and one surety each for the 31 cases. On appeal Hon'ble Supreme Court modified the order to the extent that the petitioner shall execute personal bond for all the 31 cases and there shall be two common sureties for all the 31 cases.

The facts and circumstances of the present case are similar.

The petitioner cannot be denied bail for enabling him to file appeal

against the judgment of conviction and order of sentence passed against him by imposing onerous condition of furnishing separate surety in each case. The petitioner can be allowed to furnish one or such number of sureties as considered appropriate by him for meeting the requirement of furnishing surety bond of one surety in all the 37 cases subject to satisfying the Court as to his/their solvency by filing certificate issued by the Revenue Authorities regarding valuation of his/their properties or production of original documents of title in respect of his/their properties to show that the same have sufficient market value.

Accordingly, the petition is allowed and the petitioner is directed to furnish personal bond in the sum of Rs. 2 lacs in all the 37 cases and furnish surety bonds by arranging one surety or such number of sureties as considered appropriate by him in view of their solvency so as to meet the requirement of furnishing surety bond of one surety in all the 37 cases for the purpose of grant of bail to enable him to file the appeal against the judgment of conviction and order of sentence and learned Judicial Magistrate Ist Class, Bathinda is directed to accept the surety bonds so furnished subject to due satisfaction regarding solvency of the surety/sureties.

24.02.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No