

CRM-M-8683-2020

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

**CRM-M-8683-2020 (O & M)
Date of decision: 14.09.2020**

Abe Eric @ D.J.

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikas Bishnoi, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through Video Conferencing.

The present petition has been filed under Section 482 read with Section 440 Cr.P.C. for reducing the amount of personal bonds of Rs.5 lakh with two local sureties each in the like amount, imposed by the learned Additional Sessions Judge, Fatehabad, vide order dated 25.04.2017, while granting regular bail to the petitioner during pendency of the trial in case FIR No.524 dated 04.09.2016, registered under Sections 217, 221 and 120-B IPC, Sections 21-B and 27-A NDPS Act, and Sections 7, 8 and 13(2) of the P.C.Act, at Police Station City Fatehabad.

Learned counsel for the petitioner contends that the petitioner is not in a capacity to furnish the personal bonds of Rs.5 lakh with two local sureties each, and therefore, he is still behind the bars. He further contends that the amount of every bond executed under Section 440 Cr.P.C. shall be fixed with due regard to the circumstances of the case and shall not be excessive.

CRM-M-8683-2020

Learned State counsel, on instructions from SI Mahender Singh, submits that in the present case, all the prosecution witnesses have been examined and moreover, there are as many as five other cases under the NDPS Act, pending against the petitioner in District Fatehabad.

I have heard the learned counsel for the parties.

The Hon'ble Supreme Court in case [Motiram and others vs. State of Madhya Pradesh](#) (1978) AIR 1594, held that the bail condition should not be imposed in such a way that a rich man can go out of the jail on bail while a man who has no money or property and is unable to produce such surety, shall suffer in jail.

Adverting to the facts of the present case, the petitioner is a citizen of Nigeria, and facing trial in the above-noted FIR. There are as many as five other FIRs registered under the NDPS Act against the petitioner in District Fatehabad.

In view of the aforesaid facts and circumstances, there are every chances that the petitioner may misuse the concession of bail on account of non-furnishing of bonds as ordered by the learned Additional Sessions Judge, Fatehabad.

Therefore, finding no merit in the present petition, the same is dismissed.

14.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No