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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42356-2021 (O&M)
Date of decision : 08.10.2021

Manju Bagri and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Sanghi, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

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VIKAS BAHL, J. (ORAL)

This is a first petition filed under Section 482 of Cr.P.C. preferred by the accused/petitioners with a prayer for issuance of directions to the trial Court/Additional Chief Judicial Magistrate, Hisar to release the petitioners either on their personal bond or with common surety/sureties for all the seven FIR's for which the petitioners are facing trial.

Learned counsel for the petitioners has submitted that in the present case, there are four petitioners who belong to the same family inasmuch as petitioner Nos.3 and 4 are brothers and petitioner Nos.1 and 2 are their wives, respectively. It is further submitted that the petitioners

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are involved in 7 FIRs, the details of which are given as hereinbelow:-

1. FIR No.688 dated 23.07.2018 registered under Sections 406/420/409/506/120-B of the IPC at Police Station City Hisar.
2. FIR No.149 dated 06.04.2019 registered under Sections 406/420 of the IPC at Police Station HTM, Hisar.
3. FIR No.127 dated 26.03.2019 registered under Sections 406/420/506/34 of the IPC at Police Station HTM, Hisar
4. FIR No.90 dated 05.03.2019 registered under Sections 406/420/506/471/467/468/120-B of the IPC at Police Station HTM, Hisar
5. FIR No.117 dated 23.03.2019 registered under Sections 323/406/420/506/471/467/468/120-B of the IPC at Police Station HTM, Hisar
6. FIR No.638 dated 11.07.2018 registered under Sections 406/420/409/506/166/167/120-B of the IPC at Police Station City, Hisar
7. FIR No.243 dated 24.03.2018 registered under Sections 406/420/506/120-B of the IPC at Police Station City Hisar.

It is submitted that the petitioners were granted anticipatory bail in all the abovesaid cases and they have been appearing before the Investigating Officer as and when required and have never violated the conditions imposed upon them while granting them the concession of anticipatory bail.

Learned counsel for the petitioners has referred to the order

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dated 27.08.2021 passed by the Chief Judicial Magistrate, Hisar (Annexure P-14) to show that all the abovesaid 7 FIRs have been clubbed together and are to be heard by the same Court. Further reference has been made to the notice dated 30.09.2021 (Annexure P-15) vide which the Investigating Officer has observed the fact that the petitioners have participated in the investigation process and were released on bail on personal bond and he had further informed the petitioners that the challan in four of the abovesaid cases has been prepared and is to be presented before the Court and thus, they were directed to come present in the Court of Additional Chief Judicial Magistrate alongwith two sureties and identifier so that the challan could be presented before the Court and the petitioners would be released on regular bail.

Learned counsel for the petitioners has submitted that it would be impossible for the petitioners, who are four in number and belong to the same family, to arrange 56 sureties in the abovesaid 7 FIRs. It is further submitted that however, the petitioners wish to appear before the trial Court and contest the case and do not want to evade the process of law.

Learned counsel for the petitioners has placed reliance upon the judgment dated 29.10.2018 passed by the Hon'ble Supreme Court in ***Special Leave to Appeal (Crl.) No(s) 8914-8915/2018, titled Hani Nishad @ Mohammad Imran @ Vikky Vs. State of Uttar Pradesh, decided on 29.10.2018***.

Learned counsel for the petitioners has submitted that the

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petitioners would furnish one surety for every petitioner and the said one surety may be considered adequate for all the 7 FIRs.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent/State and has submitted that he is fully prepared to argue the matter. He has submitted that he has gone through the judgment of the Hon'ble Supreme Court in Hani Nishad @ Mohammad Imran @ Vikky's case (Supra) and has submitted that in that case, with respect to a person who was involved in 31 cases, two sureties were given which were stated to hold good for all the 31 cases and in addition to the said two sureties, even personal bond was required to be given.

Learned counsel for the petitioners, in rebuttal, has agreed to the fact that each of the petitioner would give two sureties and would also give a personal bond to the satisfaction of the trial Court. He has further submitted that the said two sureties given by each of the petitioner should be considered adequate for all the 7 FIRs.

This Court has heard the learned counsel for the parties and perused the paper book.

A perusal of the record would show that the petitioners are all members of the same family inasmuch as petitioner Nos.3 and 4 are the brothers and the petitioner Nos.1 and 2 are their wives respectively. The petitioners are involved in 7 cases and in all the said cases, they have been granted the concession of anticipatory bail. The petitioners have

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never violated the conditions imposed in the bail orders and have also duly joined the investigation. It is further clear from the order dated 27.08.2021 (Annexure P-14) that all the said FIRs have been clubbed together and the same are to be heard by one Court. The notice dated 30.09.2021 (Annexure P-15) requires the petitioners to submit two sureties each in each of the FIRs. By virtue of the same, 56 sureties would require to be given by the petitioners in 7 different FIRs. The relevant portion of the judgment of the Hon'ble Supreme Court in Hani Nishad @ Mohammad Imran @ Vikky's case (Supra) is as follows:-

> *"xxx xxx xxx*
>
> *However, by the impugned order, the High Court has modified the conditions of bail imposed by the Trial Court in the instant cases by directing the Trial Court to accept one common surety for all the cases and one surety each for the 31 cases.*
>
> *Learned counsel for the petitioner submits that even though the Court has granted bail to the petitioner, the petitioner is unable to execute the bail bonds because of the onerous conditions of bail imposed particularly the condition of producing 31 sureties.*
>
> *Considering the submissions, the impugned order is modified to the extent that the petitioner shall execute a personal bond for Rs.30,000/- (Rupees Thirty thousand only) and the same bond shall hold good for all 31 cases. There shall be two sureties who shall execute the bond for Rs. 30,000/- which bond shall hold good for all the 31 cases. It is clarified that the personal bond so executed by the Petitioner and the bond so executed by the two sureties shall hold good for all the 31 cases.*

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With these observations, the Special Leave Petitions are disposed of.

Pending applications, if any, shall stand disposed of."

A perusal of the said judgment would show that although, the petitioner therein was involved in 31 cases, however, the Hon'ble Supreme Court had modified the order of the High Court, requiring one common surety for all the cases and one surety each for the 31 cases, to the extent that the personal bond for Rs.30,000/- was to be issued which would hold good for all the 31 cases and two sureties which would also execute the bond for Rs.30,000/-, would also hold good for all the 31 cases.

Thus, keeping in view the fact that the condition of presenting 56 sureties would be highly onerous as all the four petitioners belong to the same family and also keeping in view the judgment passed by the Hon'ble Supreme Court in Hani Nishad @ Mohammad Imran @ Vikky's case (Supra), the present petition is disposed of with a direction to the trial Court to release the petitioners on bail on their executing one personal bond for each petitioner in all the seven cases to the satisfaction of the trial Court, as also two sureties for each petitioner which would be adequate for all the 7 FIRs. The sureties are directed to execute the bond to the satisfaction to the trial Court. Thus, to sum up, four petitioners would be required to give 8 sureties, which would cover all the 7 FIRs and also execute one personal bond each, which would also cover all the 7 FIRs. The amount of the personal bond as well as bond to be executed by the sureties would be as directed by the trial Court.

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The present petition is thus, disposed of in the abovesaid terms.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid judgment.

08.10.2021 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**

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