

118

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

CRM-M No.49284 of 2021 (O&M)

Date of decision: 25.11.2021

Safi Khan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 02.11.2021, vide which while granting the concession of regular bail to the petitioner in FIR No.0063 dated 02.06.2019 under Section 15 of the NDPS Act, at Police Station Odhan, District Sirsa, the Additional Sessions Judge, Sirsa has directed the petitioner to furnish the bail bonds in the sum of Rs.1,00,000/- in the shape of FDR with one surety in the like amount to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Counsel for the petitioner has argued that the petitioner is a poor person and is not in a position to pay the amount of Rs.1,00,000/- and despite the fact that the petitioner has been granted the concession of regular bail on 02.11.2021 till date, he is in judicial custody as he is not in a position to give the FDR with Rs.1,00,000/-.

Counsel for the State, on the other hand, has argued that

considering the heavy recovery, the trial Court has rightly imposed the condition of furnishing his bail bonds in the sum of Rs.1,00,000/- in the shape of FDR with one surety in the like amount.

After hearing the counsel for the parties, I find that the trial Court has directed the petitioner to deposit the FDR of Rs.1,00,000/- without assessing the financial capability of the petitioner to deposit the amount. Accordingly, the present petition is allowed and the order dated 02.11.2021 is modified to the extent that instead of Rs.1,00,000/-, the petitioner will deposit Rs.10,000/- in the shape of FDR with one surety in the like amount, to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

25.11.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No