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

CRM-M-2722-2022

Date of decision : 03.02.2022

Mukim Ahamad @ Mukim Ansari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for allowing the petitioner to furnish one surety/personal bail bonds for all the criminal cases for the release of the petitioner, as he has already been granted bail in all the said cases.

Learned counsel for the petitioner has submitted that the petitioner is an accused in 88 cases, which have all been registered in various Police Stations in District Karnal. It is further submitted that the petitioner has been granted bail in all the said 88 cases and has referred to the order dated 01.09.2021 (Annexure P-19) passed by the Additional Sessions Judge/Special Judge, Karnal, as per which, the petitioner had been

asked to furnish bail bonds/surety bonds in the sum of Rs.25,000/- with one surety (preferably, local surety) in the like amount to the satisfaction of the Illaqa Magistrate/Duty Magistrate, Karnal and has also referred to order dated 26.08.2021 (Annexure P-18) passed by the Additional Sessions Judge, Karnal, to show that the petitioner had been granted bail in the said case, subject to his furnishing personal bail bond in the sum of Rs.50,000/- with two sureties, out of which, one was required to be a local surety in the like amount to the satisfaction of the Court.

It has been contended that it is impossible for the petitioner to comply with the condition of furnishing personal bail bonds/sureties separately, in each of the cases in which he has been granted bail. It is further contended that although, the petitioner has been granted bail, but on account of his inability to furnish bail bonds/surety bonds/personal bond, in each and every case separately, the petitioner has not been released, although, sufficient time has passed since the time the petitioner was released on bail in the said cases. Reliance, in this regard, has been placed upon the judgment 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 petitioner has submitted that the petitioner would furnish one personal bond to the satisfaction of the trial Court and would also furnish four sureties, two of which would be local sureties, to the satisfaction of the trial Court, and has prayed that the same be treated as adequate for all the said 88 cases.

Learned counsel for the petitioner has further submitted that the

petitioner undertakes to appear in each and every case and on each and every date, unless his appearance is personally exempted by the trial Court.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and prays for the dismissal of the same.

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

A perusal of the record would show that the petitioner is involved in as many as 88 cases of similar nature. The petitioner has been granted bail in all the said cases and the orders granting bail to the petitioner are of the months of December 2020/February 2021/August 2021/September 2021. It is, thus, apparent that although, sufficient time has gone by but the petitioner has not been released on bail on account of his inability to give separate sureties/personal bonds in each and every case. Hon'ble the Supreme Court in **Hani Nishad @ Mohammad Imran @ Vikky's case** (Supra) has held as under:-

“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.

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 accused therein was involved in 31 cases, the Hon'ble Supreme Court had modified the order of the High Court, which required furnishing of one common surety for all the cases and one surety each for each of the 31 cases, to the extent that a personal bond for Rs.30,000/- was to be executed by the accused therein, which would hold good for all the 31 cases, and two sureties who would execute the bond for Rs.30,000/-, would also hold good for all the said 31 cases.

In the present case, a perusal of the details of the cases which have been given in para 3 of the petition, would show that all the said cases had been filed in various Police Stations in District Karnal.

Thus, keeping in view the fact that the condition of furnishing a surety in each and every case separately, would be highly onerous for the petitioner 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 petitioner on bail in all the 88 cases in which the petitioner has been granted bail, on his executing one personal bond, in each case, as well as four common sureties which would hold good for all the 88 cases. The four sureties are directed to execute the bond to the satisfaction of the trial Court. Thus, to sum up, the petitioner would be required to execute one personal bond in each of the case to the satisfaction of the trial Court and would also be required to give four common sureties in all the 88 cases. The bond to be executed by the four sureties would be as directed by the trial Court.

The petitioner would also be bound by his undertaking that the petitioner would appear in all the said cases on each and every date, unless his appearance is personally exempted by the concerned trial Court

03.02.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**