

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

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CRM-M-26472-2022 (O&M)

Date of Decision: 12.09.2022

Jafaru Deen Khan

...Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sapan Dhir, Advocate for the petitioner.

Mr. Chetan Sharma, Assistant Advocate General, Haryana.

Sandeep Moudgil, J. (Oral)

Prayer in this petition is for issuance of a direction to the trial Court for waiving off the condition of furnishing one surety each in a sum of Rs.50,000/- in different bail orders passed by the Additional Sessions Judge, Rewari, in 128 FIRs/cases in which the petitioner is nominated as one of the accused.

Learned counsel for the petitioner contended that the petitioner has been granted bail in 128 FIRs/cases with a condition to furnish surety for a sum of Rs.50,000/- in each of the FIR while granting the concession of bail by an order passed by the Additional Sessions Judge, Rewari. Learned counsel has put reliance on order dated 15.02.2019 passed in CRM-M-4651-2019, which reads as under:-

“Prayer in this petition is for issuance of a direction to the trial Court for waiving off the condition of furnishing one surety each in a sum of Rs.50,000/- in the different bail orders passed by the Additional Chief Judicial Magistrate, Rewari in

97 FIRs/cases in which the petitioner is nominated as one of the accused.

The details of 97 FIRs are given in Annexure P4 filed along with the present petition.

Counsel for the petitioner has submitted that the allegations in all the FIRs are similar and identical. It is further submitted that the FIRs were got registered by the Manager of the State Bank of India against the loanee in individual case with the allegations that when they had applied for obtaining the Kisan Credit Card Loan, Tractor Loan and similar other loans, the same was got verified by the counsel, who was on the panel of the Bank and after obtaining the verification report, the loan was sanctioned. It is further argued that the petitioner was Manager of the Bank at the relevant time when the loan was sanctioned and in the FIRs, there is no allegation against the petitioner, who has acted on the basis of the report of the panel counsel, who had verified the property of the loanees.

Counsel for the petitioner has also submitted that in all the FIRs, the allegations against the loanees are that by giving forged documents, they have obtained the loan. It is further argued that after the arrest of the accused/loanees, on the basis of the disclosure statement made by them, the petitioner was nominated as one of the accused being, the then, Manager of the Bank.

Counsel for the petitioner has also argued that the petitioner has been granted bail in all the 97 FIRs, in which a condition has been imposed by the trial Court that the petitioner has to furnish one surety each in every case in a sum of Rs.50,000/- and the petitioner, who is a retired Branch Manager, is not in a position to arrange 97 sureties for furnishing his bail/surety bonds.

*Counsel for the petitioner has relied upon the judgment dated 29.10.2018 passed in **Special Leave to Appeal (Crl.) No.8914- 8915 of 2018 titled as “Hani Nishan @ Mohammad Imran @ Vikky vs The State of Uttar Pradesh”**, wherein in similar circumstances, the Hon'ble Supreme Court has held as under:-*

“Heard learned counsel for the parties. The petitioner is said to have been involved in criminal cases for various offences.

The Trial Court granted bail in all the 31 cases by different orders inter alia on condition of arranging two sureties each in all the cases.

The petitioner moved the High Court under Section 482 of the Criminal Procedure Code, contending that it was impossible for the petitioner to arrange 62 sureties.

It is the case of the petitioner that the High Court had in similar circumstances granted bail to the petitioner with two sureties of Rs. 1,00,000/- (Rupees One lakh only) in the case under Gangster Act and the same sureties were to be the sureties in all other cases as well, by an order dated 21.9.2017. The petitioner was directed to execute personal bond of Rs. 30,000/- in each case.

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.”

Counsel for the petitioner has, thus, submitted that the petitioner is ready to furnish one of the surety with a bond of Rs.1 lac and is also ready to furnish a personal bond in a sum of Rs.1 lac and prays that the same be treated as a valid surety/bail bonds in all the 97 FIRs.

Counsel for the State, on instructions from Inspector Narinder Singh, Economic Cell, Police Station Dharuhera and on the basis of the affidavit of the Deputy Superintendent of Police, Kosli, District Rewari filed in the Court today, has submitted that though, the petitioner has been granted the concession of regular bail by the trial Court, however, he has not furnished the bail/surety bonds as a specific direction/condition is laid down by the trial Court that the petitioner will furnish his bail bonds in a sum of Rs.50,000/- with one surety in the like amount and despite similar orders passed in all the 97 FIRs, the petitioner has not furnished the bail/surety bonds till date.

After hearing the counsel for the parties, I find merit in the present petition in view of the law laid down by the Hon'ble

*Supreme Court in **Hani Nishad @ Mohammad Imran @ Vikky's case (supra)** and accordingly, a **direction is issued to the trial Court** that it should accept the bail/surety bonds to the tune of **Rs.1 lac in one case, which will be treated as a surety in all the 96 other cases/FIRs. Similarly, the petitioner will execute a personal bond for a sum of Rs.1 lac, which shall also be treated as a bond in all the remaining 96 FIRs/cases.***

With the aforesaid modification, the present petition is disposed.”

Learned State counsel does not controvert the above position.

In view of the above, after hearing the learned counsel for the parties, the contention raised by learned counsel for the petitioner and law laid down by the Hon'ble Supreme Court in **Hani Nishad @ Mohammad Imran @ Vikky's case (supra)**, the present petition is allowed subject to the condition that the petitioner will execute a personal bond for a sum of Rs.1,50,000/- which shall also be treated as a bond in all the remaining 128 FIRs/cases.

(SANDEEP MOUDGIL)
JUDGE

12.09.2022

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No