

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH115

CRM-M-32211 of 2022

Date of Decision: 16.08.2022

Mohd. Habib Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. Saurabh Girdhar, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Vide this petition, the petitioner seeks the issuance of an appropriate order or direction waiving the condition for furnishing one surety each in the sum of Rs.50,000/-, as has been directed in the order dated 06.07.2022 (Annexure P-2), as also other similar orders passed by the learned Addl. Sessions Judge, Rewari.

Learned counsel for the petitioner relies upon an order passed by this court (co-ordinate Bench) in CRM-M-4651 of 2019 on 15.02.2019, that being a petition filed by one Suresh Kumar Bawalia, who also sought similar relief in the context of the same set of FIRs, though in that case at that stage he was accused in 96 FIRs, whereas the petitioner presently is accused in 131.

Mr. Dhir submits that in fact subsequently even the aforesaid Suresh Kumar Bawalia has been made an accused in the remaining 35 FIRs.

A reply to the petition has been filed by the DSP, Rewari, dated 05.08.2022, which is ordered to be taken on record. A perusal thereof shows that the petitioner has been granted the concession of bail (under the provisions of

Section 439 of the Cr.P.C.) in all 131 cases; with it further stated in the affidavit of the DSP, that it has been wrongly mentioned by the petitioner that the learned Addl. Sessions Judge, Rewari, had directed that one surety each in the sum of Rs.50,000/- be furnished in all cases, because in 79 cases Rs. 50,000/- is the amount and in the remaining 52 cases a surety in the sum of Rs.1,00,000/- in each case is to be furnished.

However, as regards any difference in facts between the cases of the petitioner (Mohd. Habib Khan) and the aforesaid Suresh Kumar Bawalia, learned State counsel submits that even as per the affidavit there would not seem to be any difference.

That being so, without making any comment on the actual merits of the FIRs registered against the petitioner, the petition is allowed, with the petitioner to furnish a surety of Rs.1,00,000/- only in the context of all 131 FIRs registered against him; and with it also to be noticed that the petitioner and the aforesaid Suresh Kumar Bawalia are alleged to have prepared forged documents to facilitate different people to obtain loans from the State Bank of India.

However, having pronounced the above order in court, it is considered appropriate (when the draft order has come up before me for signatures) that, if the respondent State for any valid reason finds that the amount of surety in the context of the role of the petitioner in the occurrence is incommensurate, they would be at liberty to take appropriate proceedings seeking enhancement of the sureties to be furnished.

August 16, 2022

dinesh/dharamvir//

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes/No
Yes/No