

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

CRM-M-33138-2022

Date of Decision: 02.09.2022

Nanak Chand Tayal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Praveen Bhadu, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

1. This is a petition under Section 482 of the Cr.P.C. for granting permission to the petitioner to furnish common/combined surety and common personal bond in all 60 FIRs in which the petitioner has been granted regular bail vide orders Annexures P-2 to P-61.

2. Learned counsel for the petitioner has referred to the table/draft annexed as Annexure P-1 and has submitted that the petitioner has been granted the concession of bail in all 60 cases and the orders granting bail to the petitioners are also placed on the record from Annexures P-2 to P-61 and in all the cases except for one, it has been ordered that the petitioner be released on bail subject to his furnishing bail bond of the requisite amount with one surety. It is submitted that in one case listed at serial no. 42, the petitioner has been directed to furnish two sureties. It is submitted that it is not possible for the petitioner to get 61 different sureties and it is on account of the said fact that in some of the cases where even in a case where the

petitioner was granted the concession of bail in the year 2019, the petitioner is still languishing in jail. Reliance in the said regard has been placed on the judgment of the Hon'ble Supreme Court in Hani Nishad @ Mohammad Imran @ Vikky vs. State of Uttar Pradesh, decided on 29.10.2018, passed in SLP (Criminal) No. 8914-8915 of 2018.

3. Learned State counsel has opposed the present petition but has not disputed the fact that the petitioner has been granted bail in all the said 60 cases.

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

The petitioner has been granted the concession of bail in 60 cases and in some of the cases, the bail order dates back to the year 2019 and yet, the petitioner has not been released from custody in the said cases as the petitioner is not able to furnish separate sureties in each case. The Hon'ble Supreme Court of India in Hani Nishad @ Mohammad Imran @ Vikky vs. State of Uttar Pradesh (supra), has held as under:-

“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.”

To a similar effect is the judgment passed by a co-ordinate Bench of this court in the case of **Suresh Kumar Bawalia** vs. **State of Haryana** bearing CRM-M-4651 of 2019, which also has been relied upon by learned counsel for the petitioner.

Keeping in view the above said facts and circumstances as well as the law laid down in the above said judgments, a direction is issued to the trial courts that it should accept common two sureties for all 60 cases regarding which the orders have been annexed from Annexures P-2 to P-61.

However, while accepting the bail bonds, the court concerned would verify that the said two sureties are sound and satisfy all the conditions of the bail orders relating to every case.

In addition to the above, the petitioner shall furnish separate personal bonds in each of the 60 cases.

Disposed of in the aforesaid terms.

September 02, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No