

260

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33853-2022
DECIDED ON: 27th FEBRUARY, 2023

NARINDER GOEL
.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENTS

2. CRM-M-33854-2022 (O&M)

NARINDER GOEL
.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENTS

AND

3. CRM-M-33855-2022 (O&M)

NARINDER GOEL
.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Karan Nehra, Advocate and
Mr. Varun Baanth, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

Vide this common order, I shall dispose of all the three

petitions, as common question of law and facts are involved.

The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked seeking directions to the Court below to deposit a sum of Rs.50,000/- in the shape of FDR/Cash or Govt. Promissory note by the petitioner in lieu of executing the bond as per the provisions of Section 445 Cr.P.C. and also to direct the respondent No.3 to accept and diary the application of the petitioner under Section 445 Cr.P.C., and place it before learned Sessions Court, Ambala.

Learned counsel for the petitioner(s) has submitted that an appeal was preferred by the petitioner against the judgment and order dated 10/14.06.2022 passed by learned trial Court and vide order dated 12.07.2022 (Annexure P-1) the petitioner was admitted to bail on furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Court.

The contention raised by learned counsel for the petitioner(s) is that the petitioner was unable to comply with the said condition and therefore, on 18.07.2022, while appearing before the Court, a prayer was made before the Court that the petitioner was ready to deposit an FDR in the sum of Rs.50,000/- or in cash, but the said prayer was declined.

At this juncture, learned counsel for the petitioner(s) placed reliance upon the judgment rendered by a Co-ordinate Bench of this Court in CRM-33030-2021 in CRA-S-363-2020, titled as **“Mahidul Sheikh vs. State of Haryana”** whereby this Court while dealing with similar controversy held that instead of executing bail bonds, the “Court” and the “Arresting Officer” is to accept either the FDR(s) equivalent to the bond amount in the name of Court or or any electronic mode transferring the

bond amount in the account of Court or creating a lien over the bank account equivalent to the bond amount.

Learned State counsel has contended that the petitioner(s) is not entitled to get the relief under Section 445 Cr.P.C., as he is facing many such like cases under Section 138 of the Negotiable Instruments Act, 1881.

Having heard learned counsel for the respective parties, this Court is of the opinion that the present controversy is squarely covered by the decision of a Co-ordinate Bench in case **Mahidul Shiekh's (supra)**; whereby, it was observed that instead of executing bail bonds, the Court and the arresting officer, is to accept either the FDR(s) equivalent to the bond amount in the name of Court or any electronic mode transferring the bond amount in the account of Court or creating a lien over the bank account equivalent to the bond amount.

In view of this matter the present petitions are disposed of with a direction to the Appellate Court to accept either the FDR(s) equivalent to the bond amount in the name of Court furnished by the petitioner(s) or any electronic mode transferring the bond amount in the account of Court or creating a lien over the bank account equivalent to the bond amount.

A copy of this order be placed on the files of other connected petitions.

(SANDEEP MOUDGIL)
JUDGE

27th FEBRUARY, 2023

sham

- | | |
|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |