

CRM-M-44951-2023

- 1-. 2023:PHHC:146673

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44951-2023

Date of Decision:30.10.2023

Joginder

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

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

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to allow the petitioner to furnish one surety or his personal bail bonds for all the criminal cases in connection with his release, as the petitioner has been released on bail in all the cases registered against him, but he is unable to furnish separate surety in all the cases.

2. Learned counsel for the petitioner submitted that the petitioner is arrayed as an accused in the following 21 cases, which have been registered against him in different police stations which are as under:-

Sr.No. FIR Details

1. FIR No.1140 dated 27.12.2022 under Section 379 IPC, Police Station City Karnal, District Karnal
2. FIR No.108 dated 18.02.2023 under Section 379 IPC, Police Station City Karnal, District Karnal
3. FIR No.217 dated 29.03.2022 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
4. FIR No.448 dated 15.03.2023 under Section 379 IPC, Police Station Civil Lines Karnal, District Karnal
5. FIR No.41 dated 10.01.2023 under Section 411 IPC, Police Station Civil Lines, Karnal, District Karnal
6. FIR No.31 dated 22.01.2023 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal

7. FIR No.562 dated 09.08.2022 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
8. FIR No.826 dated 08.12.2022 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
9. FIR No.780 dated 13.11.2020 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
10. FIR No.809 dated 29.11.2022 under Section 379,411,201 IPC, Police Station Sector 32-33 Karnal, District Karnal
11. FIR No.137 dated 24.01.2023 under Section 379 IPC, Police Station Civil Lines Karnal, District Karnal
12. FIR No.318 dated 27.05.2022 under Section 379,411 IPC, Police Station Civil Lines Karnal, District Karnal
13. FIR No.455 dated 18.08.2021 under Section 379,411 IPC, Police Station Civil Lines Karnal, District Karnal
14. FIR No.153/2023 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
15. FIR No.806/2022 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
16. FIR No.119 dated 13.03.2017 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
17. FIR No.114 dated 09.03.2023 under Section 379 IPC, Police Station Sector 32-33 Karnal, District Karnal
18. FIR No.234 dated 08.02.2023 under Section 379,411 IPC, Police Station Sector 32-33 Karnal, District Karnal
19. FIR No.1197 dated 26.12.2022 under Section 379,411 IPC, Police Station Civil Lines Karnal, District Karnal
20. FIR No.191 dated 13.03.2023 under Section 379 IPC, Police Station City Karnal, District Karnal
21. FIR No.192 dated 13.03.2023 under Section 379,411 IPC, Police Station Civil Lines Karnal, District Karnal

3. It is further submitted that the petitioner has already been granted the concession of bail in all the abovesaid cases and the bail orders have been attached as Annexure P-1 to P-21 passed by the different Courts. Learned counsel further submits that the bail has been granted to him subject to furnishing bail bonds in the sum of Rs.50,000/- each with one surety in the like amount to the satisfaction of Illaqua/Duty Magistrate. Learned counsel further contends that it is impossible for the petitioner to comply with the orders to furnish personal bailbonds/surety bonds separately, in each cases in which he

has been granted the concesssion of bail. It is further submits that even though the present petitioner has been granted the concession of bail, but on account of his inability to furnish bailbonds/surety bonds, in each and every case separately, the petitioner has not been released, even after a long period. Learned counsel for the petitioner has placed reliance on 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.***

4. 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 it has been prayed that the same may treated as adequate for all the 21 cases.

5. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is not entitled to make such a prayer and the present petition deserves dismissal.

6. I have heard learned counsel for the parties and perused the record.

7. A perusal of the record would show that the petitioner was involved in 21 cases of similar nature. The petitioner was admitted to bail by different orders Annexure P-1 to P-21 and the petitioner was ordered to be released several months ago. However, even after a lapse of considerable period, the petitioner has not been released on bail on account of his inability to give separate sureties/personal bonds in each and every case.

8. 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.”

9. 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.

10. In the present case, a perusal of the details of the cases which have

been given above, would show that all the said cases had been filed in various Police Stations in District Karnal.

11. 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 21 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 21 cases. The four sureties, out of which two sureties shall be local, 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 21 cases, out of which two sureties shall be local. The bond to be executed by the four sureties would be there as directed by the trial Court.

12. 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.

13. The petition stands disposed off.

30.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No