

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

107.

CRM-M No.60256 of 2023

Date of Decision:01.12.2023

Salim @ Saleem and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nikhil Mittal, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioners have approached this Court under Section 482 Cr.P.C. for issuance of direction to the learned trial Court/Duty Magistrate for waiving the condition of furnishing one surety each in the sum of ₹50,000/- in every case and to permit the petitioners to furnish single surety bond in all seven FIR cases pending against them.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated and seven FIRs have been registered against them under Section 136 of the Electricity Act. It is further contended that petitioners are not named in the FIR. The petitioners belong to poor strata of society and they are daily wagers. No stolen articles were recovered from them and therefore, imposing the condition of furnishing one surety each in a sum of ₹50,000/- in every case is too onerous. Reliance has been placed upon the judgment passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.8914-8915 of 2018 titled as *Hani Nishan @ Mohammad Imran @*

Vicky Vs. The State of Uttar Pradesh on 29.10.2018 where in identical situation following observation was made:-

“Heard learned counsel for the parties.

The petitioner is said to have been involved in 31 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.”

- 3. Learned counsel for the petitioners submits that the petitioners are ready to furnish one surety with a bond of ₹1 lakh and also furnish a personal bond in a sum of ₹1 lakh in all seven cases.
- 4. Notice of motion.
- 5. Ms. Geeta Sharma, DAG, Haryana who is present in Court, accepts notice of behalf of the respondent-State and she is not able to controvert the factual position.
- 6. With the consent of parties, the matter is taken up for final disposal.
- 7. Having heard learned counsel for the parties and after perusing the record of the case, this Court finds force in the arguments made by the counsel appearing for the petitioners and in view of the law laid down by the Hon’ble Supreme Court in *Hani Nishan @ Mohammad Imran @ Vicky’s case (supra)*, a direction is issued to the trial Court that it shall accept the surety to the tune of ₹1 lakh, which shall be treated as a surety in all seven cases. Similarly, the petitioners are obligated to execute a bail bond for a sum of ₹1 lakh, which shall be treated a bond in all seven cases.
- 8. With the aforesaid direction, the present petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

December 01, 2023
Pankaj*

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