

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

**Criminal Revision No. 64 of 2024 (O&M)
Date of Decision: 15.01.2024**

Nwosu Echezoma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurbir Singh Sandhu, Advocate
for the petitioner.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present revision petition, seeks setting aside of the order dated 09.11.2023 passed by learned Sessions Judge, Panchkula, whereby he was directed to furnish personal bond and surety to the tune of Rs. 2 lakhs and further to deposit Rs.2 lakh in the Court and also to get an undertaking from Nigerian National permanently residing in India as a condition precedent for release on bail.

[2] Notice of motion.

[3] Mr. Chetan Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

[4] I have heard learned counsel for the parties and gone through the paper-book.

[5] It has been repeatedly held by the Hon'ble Supreme Court that conditions laid down for release of individual in pursuance of order of granting him bail should not be stringent to the extent of denying him the benefit of his release order. A condition for grant of bail, impracticable of

compliance, renders the order complete fantasy. In this context a reference can be made to the decision rendered by the Hon’ble Apex Court in case of **“Dataram Singh Versus State of Uttar Pradesh”** reported as **2018(30) SCC 22**, whereby it was observed as under:-

“ 7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

[6] In view of the afore-stated proposition of law and its application to the facts and circumstances of the present case, the impugned order dated 09.11.2023 is modified to the extent that the petitioner shall be admitted to bail on his furnishing personal bonds in the sum of Rs. 1 lakh with one surety in the like amount. In addition, the petitioner shall arrange for some undertaking by some Indian National, ensuring the good conduct of the petitioner. Equally important, the petitioner shall deposit a sum of Rs. 1 lakh in the Court which shall be converted into FDR and in case the petitioner is acquitted, the same be released to him.

[7] **Disposed off** accordingly.

January 15, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>