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(268)

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

CRM-M-13267-2023

Date of Decision: 20.05.2024

**AARISH KALRA****.....Petitioner****versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Rahul Bhargava, Advocate  
for the petitioner

Mr. Rahul Jindal, Asstt. A.G., Punjab.

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**JASJIT SINGH BEDI**

1. The present petition has been preferred under Section 482 of the Cr.P.C. seeking directions to allow the petitioner to give one common/joint surety/adequate bail bonds to the satisfaction of the learned trial Court, in proceedings arising out of 24 similar complaints filed by the complainant under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act') against the petitioner, the details of which are mentioned below:

1. NACT No.674 of 2022, titled Sandeep Kumar Vs. M/s S.K. Agros etc. registered on 23.11.2022, bearing CNR No.PBFZC20033742022.

2. NACT No. 670 of 2022, titled Mohinder Kumar Rinwa Vs. M/s

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S.K. Agros etc., registered on 23.11.2022, bearing CNR no. PBFZC2-0033652022.

3. NACT No. 668 of 2022, titled M/s Sham Lal Vs. M/s S.K. Agros etc., registered on 22.11.2022, bearing CNR no. PBFZC200662022.

4. NACT No. 664 of 2022, titled M/s Mandeep Bajaj Vs. M/s S.K. Agros etc., registered on 22.11.2022, bearing CNR no. PBFZC20033622022.

5. NACT No. 666 of 2022, titled Rajan Setia Vs. M/s S.K. Agros etc., registered on 22.11.2022, bearing CNR no. PBFZC20033602022.

6. NACT No. 52 of 2022, titled Pardeep Sethi Vs. M/s S.K. Agros etc., registered on 02.02.2022, bearing CNR no. PBFZC20003162023.

7. NACT No. 704 of 2022, titled Raj Rani Vs. M/s S.K. Agros etc., registered on 12.12.2022, bearing CNR no. PBFZC20035102022.

8. NACT No. 689 of 2022, titled Ashwani Kumar Vs. M/s S.K. Agros etc., registered on 30.11.2022, bearing CNR no. PBFZC20034132022.

9. NACT No. 667 of 2022, titled M/s Manjeet Ram Vs. M/s S.K. Agros etc., registered on 22.11.2022, bearing CNR no. PBFZC20033632022.

10. NACT No. 669 of 2022, titled Gulshan Kumar Vs. M/s S.K. Agros etc., registered on 22.11.2022, bearing CNR no. PBFZC20033642022.

11. NACT No. 691 of 2022, titled Veena Rani Vs. M/s S.K. Agros etc., registered on 30.11.2022, bearing CNR no. PBFZC20034152022.

12. NACT No. 662 of 2022, titled Raman Kumar Vs. M/s S.K. Agros etc., registered on 22.11.2022, bearing CNR no. PBFZC200333612022.

13. NACT No. 665 of 2022, titled Parmod Kumar Vs. M/s S.K. Agros etc., registered on 22.11.2022, bearing CNR no.



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PBFZC20033592022.

14. NACT No. 712 of 2022, titled Vikas Bathla Vs. M/s S.K. Agros etc., registered on 20.12.2022, bearing CNR no. PBFZC20035702022.

15. NACT No. 711 of 2022, titled Atul Doda Vs. M/s S.K. Agros etc., registered on 20.12.2022, bearing CNR no. PBFZC20035692022.

2. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner was engaged in business with complainant. In course of their dealings, 24 cheques were issued by the petitioner in favour of the complainant which were allegedly dishonoured and 24 separate complaints under Section 138 of the NI Act were filed in this regard, the details of which are mentioned above. With respect to 09 complaints, this Court vide order dated 23.01.2024 in CRM-M-10593-2023 has already passed directions in terms of the prayer made.

3. A two Judge bench of the Hon'ble Supreme Court in ***Hani Nishad @ Mohammad Imran @ Vikky v. The State of Uttar Pradesh - Special Leave to Appeal (Criminal) Nos. 8914-8915/2018***, observed as follows:

*“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*



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*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.”*

4. The purpose of obtaining surety or personal bond is to secure the presence of the accused during the pendency of the trial and any unrealistic condition including the demand of separate surety in each case would not only negate the concept of free and fair trial but also impact the liberty of the accused.

5. In view of the facts and circumstances of the case and the law laid



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down in *Hani Nishad @ Mohammad Imran @ Vikky's case (supra)*, I find merit in the present petition and accordingly, a direction is issued to the learned trial Court that the petitioner be allowed to give one common/joint surety to its satisfaction in proceedings arising out of the complaints under Section 138 of the NI Act as mentioned above. The present petition is disposed of accordingly.

(JASJIT SINGH BEDI)  
JUDGE

20.05.2024

jitesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No