

127 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13772-2024

DATE OF DECISION:-18.04.2024

Mona Sharma @ Mona Beri

...Petitioner.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Angad Parmar, Advocate for the petitioner.

HARKESH MANUJA, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. read with Section 440 Cr.P.C. for modification of the order dated 06.06.2023, vide which, while granting regular bail to the petitioner in FIR No.209 dated 08.08.2022 under Sections 406, 420, 120-B of IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Division No.8, District Jalandhar, the learned Additional Sessions Judge, Jalandhar ordered to furnish bail bonds to the tune of Rs.1.00 lac with one surety.

2. Learned counsel appearing for the petitioner contends that the petitioner was involved in the FIR (supra) and he was granted regular bail by the learned Additional Sessions Judge, Jalandhar vide order dated 06.06.2023 and ordered to furnish bail bonds in the sum of Rs.1.00 lacs with one surety in the like amount. He further contends that the petitioner is a widow and is unable to furnish bail bonds of such an excessive amount, due to which she is languishing in jail. Learned counsel, thus, prays that the amount of Rs.1.00 lac to be furnished as bail bonds may be reduced to some lesser amount.

3. Notice of motion.

4. At this stage, on asking of the Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and does not controvert the factual position, but contends that the learned Court below rightly ordered to furnish bail bonds in the sum of Rs.1.00 lacs with one surety.

5. Having heard learned counsel for the parties and after perusing the records of the case with their able assistance, it transpires that the petitioner is a widow and no other member is there in her family, this Court deems fit to reduce the amount of Rs.1.00 lac to be furnished as bail bonds.

6. A similar issue was decided by the Hon'ble Supreme Court in *'Mohammed Kunju v. State of Karnataka' 1999 (4) RCR (Criminal) 726* and this Court in *'Bhagat Singh v. State of Haryana' 2018 (2) RCR (Criminal) 337*, *'Mohinder Singh v. The State of Punjab' 2008 (22) RCR (Criminal) 704*, *'Angrej Singh v. State of Punjab' 2010 (4) RCR (Criminal) 580* and *'Gopal Kaur v. State of Punjab' 2011 (6) RCR (Criminal) 1394*, wherein, the penalty imposed under Section 446 of Cr.P.C. was reduced to 1/4th of the amount of surety bonds by holding that the said bonds were on the higher side.

7. Recently, the Hon'ble Supreme Court in SLP (Crl.) No.3314 of 2024 (*Ashok Sandeep Singh Vs. The State of Uttar Pradesh*), decided on 15.03.2024, has held that the purpose of directing an accused who has been released on bail to furnish surety is to ensure that the accused is present to answer further proceedings including at the trial. Determining the amount of surety at an unreasonably high amount effectively defeats the very purpose of the grant of bail and infringes the right to life and personal liberty of the

accused protected by Article 21 of the Constitution. The Hon’ble Supreme Court, after considering the financial position of the accused and other facts, reduced the amount of surety bonds from Rs.01.00 lac to Rs.25,000/-.

8. Therefore, in view of the facts and circumstances of the case and the judgments referred to above, the impugned order dated 06.06.2023 is upheld. However, this Court is of the considered opinion that ends of justice will be served if the amount of Rs.1.00 lac to be furnished as bail bonds as ordered by the learned Additional Sessions Judge, Jalandhar is reduced to Rs.10,000/-.

9. Disposed of, in the aforesaid terms.

18.04.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No