

Rs.50,000/- with two sureties i.e one surety in the like amount and one cash surety amounting to Rs.2 lacs. Learned counsel for the petitioner contends that the petitioner is a labourer and was not in a position to pay the amount of cash surety of Rs.2 lacs and the condition imposed by the Special Court, Kapurthala was onerous. Learned counsel further contends that the petitioner and his family members had made all efforts to arrange the amount of Rs.2 lacs, but they were not able to arrange the said amount and due to this, the petitioner has not able to come out of the jail, despite having a bail order dated 22.02.2024 in his favour. Consequently, it is prayed that the additional condition of cash surety of Rs.2 lacs may be waived off in the facts and circumstances of the present case.

4. Notice of motion.

5. On the asking of the Court, Mr. I.P.S Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

6. Learned State counsel submits that the petitioner is involved in a serious case under the provisions of NDPS Act and to secure his presence before the Trial Court, it is necessary to impose stringent conditions on the petitioner.

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

8. From a perusal of the order dated 22.02.2024, passed by the Special Court, Kapurthala it is apparent that on 22.02.2024, the petitioner was ordered to be released on bail on his furnishing of bail bonds to the tune of Rs.50,000.- with two sureties i.e one surety in the like amount and one cash surety amounting to Rs.2 lacs. Now, even after a period of about 02 months, the petitioner has not been able to come out of the jail as he does not have the means to deposit the cash surety of Rs.2 lacs before the Trial Court. Moreover,

he is a labourer and it is apparent that the condition imposed by the Trial Court was excessive and in a way, such condition has virtually resulted in the denial of benefit of bail to the petitioner. Even similar observations have been made by the Hon’ble Supreme Court in the matter of “Guddan @ Roop Narayan Vs. State of Rajasthan 2023 (1) RCR (Criminal)762.

9. Accoringly, the impugned order dated 22.02.2024 passed by the Special Court, Kapurthala is modified to the extent that the petitioner shall be released on regular bail on his furnishing bail bonds to the tune of Rs.50,000/- with one surety in the like amount. The petitioner shall not under an obligation to deposit the cash surety amounting to Rs.2 lacs.

10. With these modifications, the present petition stands disposed off.

16.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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