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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.259-2

CRM-M-25039-2024 (O&M)
Date of decision : 23.10.2024

Rakesh Babbar and others

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. K.P. Singh, Advocate and
Mr. Vikas Sharma, Advocate, for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. This petition has been filed under Section 482 Cr.P.C. seeking direction to the learned trial Court to accept common personal/surety bonds in the 13 challan cases mentioned in the petition.

2. The brief facts of the case are that the petitioners were Directors of a Company, namely, International Re-creation & Amusement Limited (for brevity IRAL) which was involved in the development and operation of water part/amusement park, namely, Commercial & Retail Facility and Family Entertainment Centre in Sector-29 and 52-A, Gurugram. Initially, FIR No.686 dated 17.09.2018 was lodged against the present petitioners and others alleging that the petitioners and co-accused committed cheating and breach of trust with the investors of the project. Later total 37 FIRs have been lodged against the petitioners with similar allegations.

3. Learned counsel for the petitioners submits that 37 FIRs have been lodged against the petitioners on the basis of similar set of the facts at the same police station within a period of 03 years from the date of lodging

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FIR No.686 stated-above. He submits that total 37 challans have been presented before the learned trial Court and the petitioners have submitted surety of Rs.25 lacs each in 24 of the challans presented. He prays that as all of the FIRs lodged and challans presented stem out of similar set of transactions/facts, the petitioners may be allowed to furnish common personal/surety bonds in all of the challans mentioned in the petition because it is difficult for the petitioners to furnish separate personal bonds/surety bonds in each of the case and as such, directing the petitioners to fulfill onerous condition of furnishing separate personal bonds/surety bonds in each of the case, will prejudice the rights of the petitioners.

4. *Per contra*, learned State counsel has vehemently opposed the present petition.

5. Heard learned counsel for the parties and perused the record.

6. Admittedly, the petitioners are involved in multiple FIRs which *prima facie* stem out of similar set of facts and allegations and are lodged at same police station and the investigating agency has been presenting challans in the same. So far, the petitioners have furnished Rs.25 lacs worth of surety bonds each in the 24 challans presented and subsequent to this, 13 new challans have been presented involving the petitioners. Directing the petitioners to furnish separate personal/surety bonds in each of the 13 challans presented will pose onerous conditions which will be practically difficult for the petitioners to fulfill.

7. Reliance can be placed upon judgment rendered by Hon'ble Supreme Court in case titled as **Hani Nishad @ Mohammad Imran @ Vikky Vs. State of Uttar Pradesh (SLP (Crl.) No.8914-15 of 2018**

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decided on 29.10.2028). Relevant extract of the judgment is reproduced below:-

“xxx xxx xxx

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.”

8. Thus, keeping in view the fact that the condition of furnishing a surety in each & every case separately, would be onerous for the petitioners to fulfill and also keeping in view the judgment passed by the Hon'ble Supreme Court in **Hani Nishad @ Mohammad Imran @ Vikky's case** (supra), the present petition is disposed of with a direction to the trial Court to accept common personal bonds to the tune of Rs.10,00,000/- and two sureties of like amount.

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9. Needless to mention that the petitioners would be bound by the conditions imposed by the learned trial Court concerned.

 Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

23.10.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No