



CRM-M-34342-2024(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-34342-2024(O&M)

Date of decision : August 12, 2024

Abou Traore

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms Garima Sharma, Advocate, for the petitioner
(Through VC)

Mr. Rajesh Gaur, Addl. AG, Haryana

KULDEEP TIWARI, J. (ORAL)

1. This Court vide order dated 2.2.2024 granted relief of regular bail to the petitioner in case FIR No. 288 dated 16.9.2022, under Sections 21/29/61/85 of the NDPS Act, registered at Police Station Barara, District Ambala. The petitioner was ordered to be released on regular bail , on furnishing of bail bond, and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate. Further the petitioner was directed to submit his passport before the learned trial court concerned forthwith, and also to furnish an undertaking to the effect that he will not leave the country without prior permission of the trial Court concerned.

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Thereupon, the learned trial court concerned, vide order dated 7.6.2024, while deciding the application for acceptance of bail/surety bond, in compliance of the directions (*supra*), passed by this Court, directed the petitioner to furnish bail bonds/surety bonds to the tune of Rs One lac, to the satisfaction of that Court. This caused grievance to the petitioner, and propelled him to approach this Court again for modification of order dated 7.6.2024, passed by the learned Additional Sessions Judge, Ambala, on the ground that the petitioner being foreign national, and behind the bars since 3.10.2022, is not in a position to furnish a surety bond to the tune of Rs 1 lac. Learned counsel for the petitioner submits that the other two directions issued by this Court have already been complied with as he has surrendered his passport, and also furnished an undertaking before the learned trial court concerned that he will not leave the country without its prior permission.

2. This Court on 25.7.2024, issued notice of motion. In deference to the notice of motion to the respondent-State, reply has been filed and is taken on record. The State has supported the impugned order.

3. This Court has considered the submissions made by counsel for both the sides, and is of the view that this Court has granted regular bail to the petitioner way back on 2.2.2024, and



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despite his inability to furnish bail bond to the tune of Rs 1 one lac, till date he is languishing behind the bars. In view of the fact that the condition as imposed by the the learned trial court concerned, seems to be a hard condition, therefore, required to be modified to give effect to the order of bail granted by this Court.

4. Therefore, the instant petition is **allowed**. The order dated 7.6.2024 passed by the learned trial court concerned is hereby modified to the extent that the petitioner shall be released on furnishing his personal bond to the satisfaction of the learned trial court concerned. However, the other two conditions are required to be complied with by the petitioner.

August 12, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No