



CRM-M-37779-2024

-1-

117

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

CRM-M-37779-2024

Date of Decision: August 06, 2024

Ankur Sood

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Gaurav Gogna, Advocate
for the petitioner through VC.

.....

RAJESH BHARDWAJ, J.(ORAL)

1. Petitioner has filed the present petition for quashing of condition of bounding petitioner to appear before SHO, Central Faridabad, Faridabad on First Sunday of every month, put by learned Additional Sessions Judge, Faridabad while granting regular bail to the petitioner vide order dated 06.07.2024, Annexure P-2, in FIR No.100, dated 02.03.2022, Annexure P-1, registered under Sections 120-B, 420, 467, 468 and 471 IPC at Police Station Central, Faridabad, which is onerous, excessive and absolutely unwarranted.

2. Learned counsel for the petitioner has stated that petitioner is facing trial in a case registered vide FIR No.100 dated 02.03.2022, under Sections 120-B, 420, 467, 468, 471 of IPC at Police Station Central, Faridabad, District Faridabad. As he was in custody, he filed application for bail under Section 439 Cr.P.C. before the Additional Sessions Judge,

**CRM-M-37779-2024****-2-**

dated 06.07.2024. Petitioner was directed to furnish bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of learned trial Court and he was also directed to appear in the Court on each and every date of hearing. Besides this, another condition was imposed upon him by the learned Additional Sessions Judge while granting him bail that the petitioner will appear before the concerned SHO on first Sunday of every month. Learned counsel for the petitioner has submitted that he has no grudge against the first two conditions and is ready to comply with the same but the third condition of appearing before the concerned SHO on first Sunday of every month is very harsh and it should be struck off as the case is pending trial before the Court.

3. Notice of motion.

4. On asking of the Court, Mr.Sumit Jain, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State and submits that petitioner is facing the charges of fraud, forgery, fabrication, cheating and criminal conspiracy and learned Additional Sessions Judge, after taking into account all the charges levelled against the petitioner, has rightly imposed the abovesaid conditions while granting him bail and none of the condition can be said to be harsh in any manner and the present petition is liable to be rejected.

5. After hearing counsel for the parties and perusing the record, it is apparent that learned Additional Sessions Judge while granting bail to the petitioner has directed him to furnish heavy surety i.e, bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount. She also directed him to appear on each and every date of hearing before the trial Court. The third



condition imposed by the learned Additional Sessions Judge directing him to mark appearance before the concerned SHO on first Sunday of every month is the cause of grievance to the petitioner.

6. This Court finds that this condition to be onerous and arbitrary as there is no question of appearing before the police as the trial is going on in the trial Court and by way of second condition, he has already been directed to appear before the trial Court on each and every date of hearing. As the petitioner has already complied with the other two conditions as stated before this Court by his counsel, there is no need for him to appear before the SHO when his case is pending before the trial Court and he is supposed to appear before it on each and every date of hearing. Although the petitioner is facing charges of forgery, fabrication, cheating and criminal conspiracy etc. but it is a settled law that every accused is innocent till proven guilty. After filing of the challan in the Court by the police, it is bounden duty of the accused to obey the orders of the Court and to appear before it as and when directed by it. So sending him to the SHO concerned for marking his presence on first Sunday of every month is onerous. So this condition being onerous and arbitrary is set aside and rest of the two conditions, as ordered by the learned Additional Sessions Judge, are maintained.

7. With these observations, the present petition is disposed of.

August 06, 2024

meenuss

(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No