



CRM-M-38383-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38383-2024
Date of decision : 08.08.2024

Salman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Abhimanu Jangra, Advocate,
for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for modification of the order dated 19.04.2024 (Annexure P-4) passed by the learned trial Court to the extent that the petitioner be enlarged on bail on furnishing surety bond to the amount of Rs. 10,000/- only with one surety in the matter arising out of FIR No.459 dated 27.07.2021 under Sections 398, 401 IPC and Section 25 of Arms Act registered at Police Station Ballabgarh, District Faridabad.

2. Learned counsel for the petitioner submits that the present FIR was registered on 27.07.2021, thereby all other co-accused had been granted bail within a period of three months. Further the petitioner being a very poor person could not hire a legal counsel, therefore, he was granted regular bail on 01.04.2024. He further submits that the petitioner has not been able to furnish surety bond as directed by the trial Court, due to which he is still in custody. Learned counsel further submits that the petitioner had filed an application under Section 440



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Cr.P.C. before the Additional Sessions Judge with a prayer to reduce the surety amount of Rs. 1,00,000/-. The said application was partly allowed by the learned trial Court vide order dated 19.04.2024 holding that the applicant be released on bail on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to its satisfaction. Learned counsel submits that the petitioner is an orphan and daily wage labourer and is not in a position to furnish bail bonds as directed by the learned Additional Sessions Judge, Faridabad and has further prayed that the amount be reduced from Rs. 50,000/- to Rs. 10,000/-.

3. Learned counsel for the petitioner has relied upon judgement passed by this Court in CRM-M-36982 of 2020 titled as ***Ilorah Bathlomi vs State of Haryana***, wherein the following has been observed :

"It is now well settled law that while ordering release of a person on bail the court has to fix the amount of bond with due regard to the circumstances of the case and financial condition of the accused and cannot impose condition of furnishing bail bonds in very high/excessive amount or impose any condition of deposit of unreasonable amount beyond the financial capacity/means of the accused."

4. Notice of motion.

5. At asking of the Court, Mr. Anmol Malik, DAG Haryana accepts notice on behalf of respondent-State.

6. Heard.

7. In view of the submissions made and considering the financial situation of the petitioner, the present petition is allowed and order dated 19.04.2024 is modified to the extent that the petitioner shall be released on bail on



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furnishing bail bonds in the sum of amount of Rs.10,000/- with one surety in the like amount to the satisfaction of the trial Court.

(KIRTI SINGH)
JUDGE

08.08.2024

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No