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

CRM-M-45423-2024

Date of Decision: September 12, 2024

Sunny

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vikas Bishnoi Godarar, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

1. Instant petition has been filed under Section 440 Cr.P.C. read with Section 482 Cr.P.C. praying for reduction of the amount of personal bail bond/surety bond ordered by learned Additional Sessions Judge, Fatehabad, vide order, dated 27.05.2024, Annexure P-4, in Bail Application No.74 BA of 2024 in FIR No.348, dated 10.09.2019, under Sections 21-b, 27-A of Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar, Fatehabad, whereby the petitioner has been directed to furnish personal/bail bonds for a sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the Court, Duty Judge, Fatehabad. He has also been directed to furnish FDR of Rs.1,00,000/- in the Court.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been arrayed as an accused in the present FIR on the basis of disclosure statement of the co-accused from whom 10.15 grams of heroin

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the petitioner nor there is any admissible evidence against the petitioner. It is submitted that the petitioner has been granted bail by the learned Special Court, however, the conditions imposed by the Court regarding furnishing of bail/surety bond in the sum of Rs.1,00,000/- with one surety in the like amount and also making and furnishing of an FDR in the sum of Rs.1,00,000/- in the Court are very harsh and the same are liable to be set aside as petitioner is a poor person and cannot fulfil these conditions.

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 has stated that the petitioner was earlier granted bail in the present case but he absented himself from the trial and ultimately was produced by his surety on 14.03.2024 and thereafter he was sent to judicial custody. So keeping in view the previous conduct of the petitioner, the learned Court has rightly imposed the above-said conditions, which cannot be in any way set to be harsh or unreasonable. He prays for dismissal of the present petition.

5. After hearing learned counsel for the parties and going through the facts of the case, this Court finds that while granting bail to the petitioner, the above-said conditions imposed by the learned Court are too onerous to be fulfilled by the petitioner. As far as the contention of leaned State counsel that the petitioner remained absent from the trial is concerned, he was sent to judicial custody when he was produced by his surety and remained in custody and has already faced the consequences of his absence from the trial. It is a well settled law that every accused is presumed to be



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innocent until proven guilty by following the due process of law. So keeping in view all the above-said facts, the conditions of furnishing bail/surety bond in the sum of Rs.1,00,000/- and deposit of FDR of an amount of Rs.1,00,000/- in the Court, are set aside. Now the petitioner is ordered to be enlarged on bail on his furnishing bail bonds in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the concerned Court.

6. Petition stands disposed of in the above terms.

September 12, 2024
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |