

2024:PHHC:137160



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

Sr. No.132

**CRM-M-52178-2024 (O&M)
Date of decision : 21.10.2024**

Geetika Gulati

..... Petitioner

Versus

Neha Yadav

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pankaj Nanhera, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for setting aside/modification of the order dated 08.10.2024 (Annexure P-1) passed by the learned Addl. Sessions Judge, Gurugram in Criminal Revision No.302 dated 30.07.2024 whereby the petitioner has been granted bail with a condition to deposit a personal bond of Rs.2.00 lacs along with a surety of like amount to the extent that the bond amount be reduced to Rs.10,000/- in the interest of justice.

2. Learned counsel for the petitioner submits that petitioner was granted regular bail vide order dated 03.06.2024 passed by the learned JMIC and an onerous condition to furnish a bond of Rs.5.00 lacs with a surety of like amount was imposed. The petitioner aggrieved by the condition imposed preferred a revision petition before the learned Sessions Court and vide impugned order, the learned Sessions Court reduced the amount of bond to Rs.2.00 lacs with surety of like amount. He further submits that the petitioner is a 38 years old widow who runs a small boutique to support herself and is having a eight year old minor girl to take care of. He also submits that the petitioner was below the poverty line and her financial condition make its extremely difficult for her to fulfill the onerous bail conditions imposed and she is not in a position to furnish bail bonds as

directed by the learned Addl. Sessions Judge. Reliance has been placed upon Ration Card (Annexure P3) to substantiate the claim that she falls in the category of people below poverty line.

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 State.

6. Heard.

7. In view of the submissions made and considering the financial situation of the petitioner, the present petition is partly allowed and order dated 08.10.2024 is modified to the extent that the petitioner shall be released on bail on furnishing bail bonds in the sum of amount of Rs.50,000/- with one surety in the like amount to the satisfaction of the concerned trial Court.

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

(KIRTI SINGH)
JUDGE

21.10.2024
Ramandeep Singh

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No