

(229)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60257-2023
Date of Decision:03.04.2024

LAKHWINDER SINGH ALIAS RINKU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arkash Mani Garg, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 read with Sections 439(1) (b) and 440 of the Cr.P.C. is for modification of conditions of bail imposed vide order dated 08.09.2023 (Annexure P-1) and for the release of the petitioner on personal bonds during the pendency of the Trial in FIR No.257 dated 25.12.2020 registered under Sections 379-B, 411 IPC at Police Station Amargarh District Malerkotla.

2. The brief facts of the case are that an FIR No.257 dated 25.12.2020 under Sections 379-B, 411 IPC Police Station Amargarh District Malerkotla came to be registered against the petitioner.

3. The petitioner was granted the concession of bail on 08.09.2023 with the following conditions:-

“7. Applicant is alleged to have snatched the mobile phone of complainant’s son. Alleged recovery has already been

effected. Applicant is in custody since 31.12.2020. Since challan has been presented, no useful purpose is to be served by keeping the applicant behind bars as conclusion of trial would take sufficient time. The allegations against the applicant are matters to be appreciated only after taking evidence during trial. Without commenting much on merits of the case, application for regular bail is allowed and the applicant is ordered to be released on bail on furnishing bail bonds and surety bonds in the sum of Rs.1,00,000/- with one surety in the like amount.”

4. However, due to the indigent condition of the petitioner, he has continued to be in custody necessitating the filing of the instant petition.

5. The learned counsel for the petitioner contends that the condition imposed upon the petitioner of furnishing bail bonds and surety bonds in the sum of Rs.1 lakh with one surety in the like amount were extremely onerous. Despite having been granted the concession of bail vide order dated 08.09.2023, as he was unable to comply with the conditions imposed in the said bail order, he continues to be in custody. In fact, the petitioner was an indigent person who could not afford to engage a counsel for filing his bail application at the Trial Court or at the High Court. The condition imposed upon him amounted to denial of bail. He, therefore prays that the petitioner may be released on personal bonds.

6. A reply dated 03.04.2024 by way of an affidavit of Surinderpal Singh, PPS, Deputy Superintendent of Police, Sub Division Amargarh, District Malerkotla has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the

reply, he contends that the petitioner was a habitual offender with multiple cases registered against him. No fault could be found with the order sought to be impugned. Therefore, the present petition was liable to be dismissed.

7. I have heard the learned counsel for the parties.

8. Admittedly, the petitioner has been granted the concession of bail on 08.09.2023 after which he has continued to be on bail. This clearly suggest that he is an indigent person who is unable to furnish bail bonds and surety bonds in the sum of Rs.1 lakhs with one surety in the like amount as ordered by the Trial Court.

9. In view of the submissions made, I deem it appropriate to modify the order dated 08.09.2023 (Annexure P-1) from “*furnishing bail bonds and surety bonds in the sum of Rs.1,00,000/- with one surety in the like amount.*” to “*furnishing personal bonds in the sum of Rs.10,000/-*”.

10. In addition, the petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than those mentioned in the reply dated 03.04.2024.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

03.04.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No