



CRM-M-4195-2025

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

CRM-M-4195-2025

Date of Decision: 27.01.2025

Saraswati Devi

..... Petitioner

Versus

Harvinder Singh Sodhi

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bhriagu Agnihotri, Advocate for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for setting aside the order dated 24.10.2024 (Annexure P-2) passed by learned JMIC, Jalandhar, whereby, the petitioner was ordered to furnish bail bonds in sum of Rs.50,00,000/- in Criminal Complaint No.NACT-2409-2024 instituted on 16.04.2024 titled as Harvinder Singh Sodhi vs. Om Enterprises, under Section 138 of Negotiable Instruments Act, 1881.

2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in two complaints under Section 138 of Negotiable Instruments Act, 1881, filed by the respondent. He submits that learned trial Court vide order dated 24.10.2024, ordered the petitioner to be released on bail subject to his furnishing bail bonds in a sum of Rs.50,00,000/- with one surety in the like amount. He further submits that producing a surety with surety bonds of Rs.50,00,000/- by the petitioner is very difficult and this order is against the settled proposition of law. He submits that the amount in dispute is Rs.1,80,50,000/- and imposing such an onerous condition of furnishing bail/surety bonds in the sum of Rs. Rs.50,00,000/- with one surety, is too harsh and the same is liable to be set aside.



3. After hearing learned counsel for the petitioner and going through the facts of the case, this Court finds that the respondent filed two criminal complaints against the petitioner, wherein, she has been summoned by the trial Court and in the present case, the order for the release of the petitioner on bail has been passed, whereby, she has been directed to furnish bail bonds in the sum of Rs.50,00,000/- with one surety in the like amount. Although the amount allegedly involved in the present case is Rs.1,80,50,000/-, but the complaint is pending trial. So imposing such onerous condition of furnishing bail/surety bonds in the sum of Rs.50,00,000/- for release of the petitioner on bail would defeat the object of granting bail. The purpose of taking surety from the accused is only to secure her presence during the trial of the case and imposing any harsh condition which cannot be fulfilled while granting her bail, would definitely defeat the said purpose. It is a well settled law that every accused is presumed to be innocent until proved guilty by following the due process of law. So keeping in view all the above-said facts, the condition of furnishing bail/surety bond in the sum of Rs.50,00,000/- is set aside. Now the petitioner is ordered to be enlarged on bail during the trial of the complaint case, on her furnishing bail bonds in the sum of Rs.50,000/- (Fifty thousand) with one surety in the like amount to the satisfaction of the concerned Court/Illaqa Magistrate.

4. Petition stands disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

27.01.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No