



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

CRM-M-7040-2025
Date of decision: 11.02.2025

Pinki

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Karan Bhardwaj, Advocate and
Mr. Ishaan, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking quashing of order dated 30.01.2025 Annexure P-4 passed by the Court of Additional Sessions Judge, Sonipat whereby the petitioner was granted regular bail in a criminal case having FIR No.261 dated 25.10.2024 under Sections 406, 420, 120-B, 389 and 506 IPC, Police Station HSIIDC Barhi, Sonipat, subject to her furnishing bail bonds in sum of Rs.1 lac with one surety in like amount (in addition to furnishing of original FDR of Rs.1 lac either in her name or in the name of surety) subject to certain other conditions.

2. Notice of motion.

3. Mr. Salinder Kumar, DAG, Haryana, accepts notice on behalf of the State.

4. Counsel appearing on behalf of the petitioner inter alia submits that excessive condition whereby the petitioner is directed to



furnish original FDR of Rs.1 lac along with the bail bonds, deserves to be set aside, in the interest of justice. It is further submitted that imposition of the said onerous condition amounts to denial of bail as the petitioner is having no financial capacity to deposit such a huge amount of Rs.1 lac with the Court concerned for an indefinite period. So, prayer is made that the aforesaid excessive condition whereby the petitioner is directed to deposit FDR of Rs.1 lac with the Court concerned, be set aside.

5. On the other hand, the State counsel submits that there is no illegality or infirmity in case any such condition is imposed by the Court concerned while granting bail to the petitioner.

6. The Hon'ble Supreme Court in Writ Petition (Criminal) No.149 of 2024 titled ***Girish Gandhi Vs. State of Uttar Pradesh*** and others, decided on 22.08.2024 has observed that to grant bail and thereafter, to impose excessive and onerous conditions, is to take away with the left hand, what is given with the right.

7. As to what is excessive will depend on the facts and circumstances of each case. In the present case, the petitioner is aged about 60 years and as stated by the counsel for the petitioner is not having enough resources to furnish FDR of Rs.1 lac with the Court concerned. The Hon'ble Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another (2022) 10 SCC 51***, held that imposing a condition which is impossible of compliance would be defeating the very object of release.

8. In light of the above settled position of law, the impugned order dated 30.01.2025 Annexure P-4 whereby the petitioner is granted regular



bail by the Court of Additional Sessions Judge, Sonipat, subject to deposit of FDR worth Rs.1 lac is set aside to the extent of aforesaid onerous condition of deposit of FDR. It is clarified that all the other conditions imposed by the Court concerned while passing order Annexure P-4 will remain intact except for deposit of original FDR of Rs.1 lac by the petitioner herself or in the name of surety.

9. The present petition is allowed to the extent stated above. Any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

11.02.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No