

145-CRM-M-19589-2025

2025.PHHC.049286



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19589-2025

Date of decision: 09.04.2025

Vicky

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Kotla, Advocate,
for the petitioner.

.....

SANJIV BERRY, J. (ORAL)

Instant petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita 2023 (BNSS) seeking quashing of the order
dated 13.03.2025 (Annexure P-2) passed by learned Additional
Sessions Judge, Panipat, in case FIR as mentioned below: -

FIR No.	Dated	Sections	Police Station
456	18.08.2023	20 and 29 of the NDPS Act	Industrial Sector 29, District Panipat

2. Heard.

3. Learned counsel for the petitioner has placed on record
copy of order dated 01.02.2025 passed by learned Additional Sessions
Judge, Panipat, the same is marked as Annexure 'X' and is taken on
record.

4. It is, *inter alia*, contended by learned counsel for the
petitioner that the petitioner, namely Vicky, after having been granted



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the concession of bail vide order dated 30.01.2025 passed in CRM-M-16977-2024, '*Vicky vs. State of Haryana*' had moved an application for accepting the bail/surety bonds, wherein the learned Trial Court had directed him to furnish two sureties in sum of Rs. 1.00 lac each vide order dated 01.02.2025. Subsequently, on 13.03.2025, when the petitioner moved an application for acceptance of bail/surety bonds, both the sureties, namely Chintu son of Sagru and Sunil Kumar son of Sajjan Singh, appeared and furnished the surety bonds along with FDRs amounting to Rs. 1.00 lac each as security. However, the learned Trial Court had declined to accept the sureties by proclaiming the sureties to be funded sureties.

5. Learned counsel for the petitioner further contends that since the sureties were not having any property in their own name, on that account, both the sureties have produced the FDRs amounting to Rs. 1.00 lac each as security. As such, the impugned order dated 13.03.2025 (Annexure P-2) deserves to be set aside. He contends that the learned Trial Court be asked to accept the sureties along with FDRs amounting to Rs. 1.00 lac submitted by each of the sureties for the release of the petitioner on bail.

6. Notice of motion.

7. On the asking of the Court, Mr. Arun Kumar Gujjar, AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He has admitted that the petitioner has

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since been granted the concession of bail vide order dated 30.01.2025 (*supra*).

8. After considering the rival contentions and perusing the record, it transpires that in compliance to the order dated 30.01.2025 (*supra*), learned Trial Court passed the order dated 01.02.2025, which is reproduced below: -

“File taken up today on an application for accepting bail bond and surety bond filed on behalf of applicant-accused Vicky has been moved. Heard. In pursuance of order dated 30.01.2025, passed by Hon’ble Punjab and Haryana High Court in CRM-M-16977-2024, the applicant-accused is directed to furnish two sureties in sum of Rs. 1.00 lac. Requisite bail bonds not furnished.

File be put up on 19.03.2025, i.e. the date already fixed.”

9. It is evident from the perusal of the order dated 13.03.2025 (Annexure P-2) that the petitioner produced two sureties namely Chintu son of Sagru and Sunil Kumar son of Sajjan Singh, who furnished the surety bonds and also produced the FDRs amounting to Rs. 1.00 lac each as security as they were not owning any property and once the sureties have produced the FDRs before the learned Trial Court as security then it is not material as to whether it has been prepared by the sureties from their own account or by borrowing some amount from some body. The reasoning given by the learned Trial Court is unwarranted, as such, it is liable to be set aside as there is no impediment for the learned Trial Court to have accepted the sureties

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once both the sureties had produced duly prepared FDRs amounting to Rs. 1.00 lac each in terms of the order dated 01.02.2025 passed by the learned Trial Court.

10. In view of the aforesaid facts and circumstances, the impugned order dated 13.03.2025 (Annexure P-2) being unwarranted deserves to be set aside and the same is accordingly set aside. Learned Trial Court is directed to accept the bail bonds and sureties on production of the FDRs amounting to Rs. 1.00 lac each by both the sureties namely Chintu son of Sagru and Sunil Kumar son of Sajjan Singh as security in terms of the order dated 01.02.2025, passed by learned Trial Court in compliance to the orders dated 30.01.2025 passed by this Court in CRM-M-16977-2024 (supra).

11. Petition stands disposed of accordingly.

09.04.2025

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**(SANJIV BERRY)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |