

2025:PHHC:129337



255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41973-2025
Date of Decision: 17.09.2025

Rachneet Kaur Jaggi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Munish Behl, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. The present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, an accused praying for issuing appropriate directions to the learned trial Court/CJM, Ambala, to allow her to furnish surety bonds, in all the 31 cases (the details mentioned in para 3 of the petition), in which she has been released on bail, by single individual on the ground that she is not in a position to arrange 31 different persons to furnish surety.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated and is facing trial in 31 criminal cases at Ambala. She has been granted the concession of bail in each of the above mentioned 31 cases but is not in a position to arrange separate sureties in these cases. The condition so imposed is onerous and if not modified, would negate the orders vide which she (petitioner) was granted the concession of bail. That apart, it would be violative of the Article 21 of the Constitution of India.

Reliance has been placed upon following judgments of Hon'ble the Supreme Court:

“Girish Gandhi Vs. The State of Uttar Pradesh and others”, Writ petition (Criminal) No.149 of 2024, decided on 22.08.2024, wherein it was held as under:-

20. *As set out earlier, the cases against the petitioner span over six States. Insofar as the case in Kerala is concerned, he has already furnished sureties and there is only one case in that State. Insofar as Haryana is concerned, of the two cases, he has furnished sureties in one and in the other case what has been ordered is Fixed Deposit Receipt (FDR) for a sum of Rs. 1,00,000/-. We do not propose to interfere with this order. The remaining States are Uttar Pradesh, Rajasthan, Punjab and Uttarakhand. In these States, even though in the cases concerned, the bail has been ordered, the petitioner is still in custody because he is unable to furnish sureties.*

21. *The Oxford Dictionary defines ‘surety’ as “a person who takes responsibility for another’s obligation”. Advanced Law Lexicon by P. Ramanatha Aiyar, 3rd Edition 2005 defines ‘surety’ to mean “the bail that undertakes for another man in a criminal case.”*

22. *Whether it is to get individuals, to stand as a guarantor for a loan transaction or as a Surety in a criminal proceeding, the choice for a person is very limited. It will very often be a close relative or a longtime friend. In a criminal proceeding, the circle may get even more narrowed as the normal tendency is to not disclose about the said criminal proceeding to relatives and friends, to protect one’s reputation. These are hard realities of life in our country and as a court of law we cannot shut our eyes to them. A solution, however, has to be found strictly within the framework of the law.*

23. *From time immemorial, the principle has been that the excessive bail is no bail. 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. As to what is excessive will depend on the facts and circumstances of each case. In the present case, the petitioner is experiencing a genuine difficulty in finding multiple sureties. Sureties are essential to ensure the presence of the accused, released on bail. At*

the same time, where the court is faced with the situation where the accused enlarged on bail is unable to find sureties, as ordered, in multiple cases, there is also a need to balance the requirement of furnishing the sureties with his or her fundamental rights under Article 21 of the Constitution of India. An order which would protect the person's fundamental right under Article 21 and at the same time guarantee the presence, would be reasonable and proportionate. As to what such an order should be, will again depend on the facts and circumstances of each case.

24. In [Satender Kumar Antil vs. Central Bureau of Investigation & Anr.](#) (2022) 10 SCC 51, this Court held that “imposing a condition which is impossible of compliance would be defeating the very object of release.”

25. This Court, in SLP (Criminal) Nos.8914-8915 of 2018 [\[Hani Nishad @ Mohammad Imran @ Vikky vs. The State of Uttar Pradesh\]](#), has made the following order in a situation where the petitioner was faced with 31 cases:

“Considering the submissions, the impugned order is modified to the extent that the petitioner shall execute a personal bond for Rs.30,000/- (Rupees Thirty thousand only) and the same bond shall hold good for all 31 cases. There shall be two sureties who shall execute the bond for Rs.30,000/- which bond shall hold good for all the 31 cases. It is clarified that the personal bond so executed by the Petitioner and the bond so executed by the two sureties shall hold good for all the 31 cases. With these observations, the Special Leave Petitions are disposed of. Pending applications, if any, shall stand disposed of.”

In [Hani Nishad](#) (supra) only one State was involved, as all the cases were pending in the State of Uttar Pradesh.

26. We may also usefully note the order of this Court In Re Policy Strategy for Grant of Bail in SMWP (Criminal) No.4/2021 reported in **2023 SCC OnLine SC 483**. By the order dated 31.01.2023, this Court endorsing certain directions sought by the Amicus Curiae passed an order for compliance with those directions. The two relevant directions are extracted hereunder:-

“6) If the bail bonds are not furnished within one month from the date of grant bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail require modification/relaxation.

7) One of the reasons which delays the release of the accused/convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local

surety.”

27. *In the bail order in FIR No.190/2020 registered at P.S. Savina, Udaipur, Rajasthan, there is an order for providing a local surety. The petitioner herein hails from Haryana and to secure a local surety will be an arduous task for him. This condition has virtually rendered ineffective the order for bail. We need to do nothing more than to recall the memorable words of Justice Krishna Iyer in Moti Ram and Ors. vs. State of Madhya Pradesh (1978) 4 SCC 47:-*

“33. To add insult to injury, the magistrate has demanded sureties from his own district! (we assume the allegation in the petition). What is a Malayalee, Kannadiga, Tamil or Telugu to do if arrested for alleged misappropriation or theft or criminal trespass in Bastar, Port Blair Pahalgam or Chandni Chowk? He cannot have sureties owning properties in these distant places. He may not know any one there and might have come in a batch or to seek a job or in a morcha. Judicial disruption of Indian unity is surest achieved by such provincial allergies. What law prescribes sureties from outside or non-regional language applications? What law prescribes the geographical discrimination implicit in asking for sureties from the court district? This tendency takes many forms, sometimes, geographic, sometimes linguistic, sometimes legalistic. Article 14 protects all Indians qua Indians, within the territory of India. Article 350 sanctions representation to any authority, including a court, for redress of grievances in any language used in the Union of India. Equality before the law implies that even a vakalat or affirmation made in any State language according to the law in that State must be accepted everywhere in the territory of India save where a valid legislation to the contrary exists. Otherwise, an adivasi will be unfree in Free India, and likewise many other minorities. This divagation has become necessary to still the judicial beginnings, and to inhibit the process of making Indians aliens in their own homeland. Swaraj is made of united stuff.”

In view of the above, we propose to relieve the petitioner from the direction to produce a local surety.

28. *Keeping the principles discussed hereinabove, we direct that for the FIRs pending in each of the States of Uttar Pradesh, Rajasthan, Punjab and Uttarakhand, in each State, the petitioner will furnish his personal bond for Rs.50,000/- and furnish two sureties who shall execute the bond for Rs.30,000/- each which shall hold good for all FIRs in the concerned State, for cases mentioned in the chart set out hereinabove. The same set of sureties is permitted to stand as surety in all the States. We feel that this direction will meet the ends of justice and will be proportionate and reasonable. For the State of Uttar Pradesh, the above direction shall hold good for FIR No.1028/2020 registered at P.S. Civil Lines, Moradabad, Uttar Pradesh, FIR No.685/2020 registered at P.S. Vrindavan, Mathura, Uttar Pradesh,*

FIR No.309/2020 registered at P.S. Siddhartha Nagar, Siddhartha Nagar, Uttar Pradesh, FIR No.343/2020 registered at P.S. Kotwali, Mathura, Uttar Pradesh, FIR No.294/2020 registered at P.S. Sipri Bazar, Jhansi, Uttar Pradesh and FIR No.222/2020 registered at P.S. Tulsipur, Balrampur, Uttar Pradesh. Insofar as the State of Uttar Pradesh is concerned, the personal bond for Rs.50,000/- and two surety bonds of Rs.30,000/- shall be executed in regard to FIR No.685/2020 registered at P.S. Vrindavan, Mathura. This personal bond and the bond of surety will enure to the benefit of all the other FIRs in the State of Uttar Pradesh mentioned in the Chart set out in Para 4 herein above.

29. For the State of Punjab, the above direction shall hold good for the FIR No. 297/2020 registered at P.S. Kotwali, Patiala, Punjab.

30. For the State of Rajasthan, the above direction shall hold good for the FIR No.190/2020 registered at P.S. Savina, Udaipur, Rajasthan and FIR No.190/2020 registered at P.S. Kotgate, Bikaner, Rajasthan. The personal bond and the sureties as directed above, insofar as the State of Rajasthan is concerned, shall be executed in regard to FIR No.190/2020 registered at P.S. Savina, Udaipur. This personal bond and the bond of surety will enure to the benefit of the other FIR registered in the State of Rajasthan as mentioned in the Chart set out in Para 4 herein above.

31. For the State of Uttarakhand, the above direction shall hold good for the FIR No. 146/2020 registered at P.S. Jwalapur, Haridwar, Uttarakhand.

32. This condition will supersede the condition imposed in the respective bail orders. We repeat that we have not dealt with FIR No. 608 of 2022 dated 13.09.2022 registered at P.S. Vibhuti Khand, District Lucknow, U.P., FIR No.141 of 2023 dated 21.05.2023 registered at P.S. Tulsipur, District Balrampur, U.P. and FIR No.230 of 2020 registered at P.S. Sadarpur, District Jodhpur, Rajasthan or any other FIR other than the one mentioned in the chart mentioned in para 4 hereinabove which the petitioner may be involved with. Petitioner may pursue independent proceedings with regard to those matters.

33. The writ petition is allowed in terms of the directions given hereinabove.”

Further, in “**Hani Nishad @ Mohammad Imran @ Vikky Vs.**

The State of Uttar Pradesh”, *Special Leave to Appeal (Crl.) Nos.8914-8915 of 2018*, decided on 29.10.2018, Hon’ble Supreme Court held as under:-

“Heard learned counsel for the parties.

2. The petitioner is said to have been involved in 31 criminal cases for various offences.

3. The Trial Court granted bail in all the 31 cases by different orders inter alia on condition of arranging two sureties each in all the cases.

4. The petitioner moved the High Court under section 482 of the Criminal Procedure Code, 1973 contending that it was impossible for the petitioner to arrange 62 sureties.

5. It is the case of the petitioner that the High Court had in similar circumstances granted bail to the petitioner with two sureties of Rs.1,00,000/- (Rupees One lakh only) in the case under Gangster Act and the same sureties were to be the sureties in all other cases as well, by an order dated 21.9.2017. The petitioner was directed to execute personal bond of Rs.30,000/- in each case.

6. However, by the impugned order, the High Court has modified the conditions of bail imposed by the Trial Court in the instant cases by directing the Trial Court to accept one common surety for all the cases and one surety each for the 31 cases.

7. Learned counsel for the petitioner submits that even though the Court has granted bail to the petitioner, the petitioner is unable to execute the bail bonds because of the onerous conditions of bail imposed particularly the condition of producing 31 sureties.

8. Considering the submissions, the impugned order is modified to the extent that the petitioner shall execute a personal bond for Rs.30,000/- (Rupees Thirty thousand only) and the same bond shall hold good for all 31 cases. There shall be two sureties who shall execute the bond for Rs.30,000/- which bond shall hold good for all the 31 cases. It is clarified that the personal bond so executed by the Petitioner and the bond so executed by the two sureties shall hold good for all the 31 cases.

9. With these observations, the Special Leave Petitions are disposed of.

10. Pending applications, if any, shall stand disposed of.”

3. Learned counsel for the petitioner submits that due to best efforts

made by petitioner, she has been able to arrange only 03 different individuals, who would stand surety for her, in all 31 cases and thus, she be allowed to do so, apart from her furnishing separate personal bonds.

4. Learned State counsel has opposed this request on the ground that the conditions so imposed by the trial Court to furnish separate surety bonds by different individuals in each of 31 cases pending against the petitioner, cannot be said to be onerous, as the purpose of passing such order is to ensure the presence of the petitioner in all the 31 cases and if she is allowed to furnish bail bonds in all 31 cases by single individual or three individuals, as prayed for by learned counsel for the petitioner and during the course of trial, if petitioner misuses the concession of bail, it would be practically impossible for the Court to secure her presence. Accordingly, dismissal of the petition has been prayed for.

5. Heard. Documents perused.

As has been noticed above, Hon'ble the Supreme Court in ***Girish Gandhi (supra)*** and **Hani Nishad @ Mohammad Imran @ Vikky (supra)** has very clearly held that the purpose of obtaining surety or personal bond, is only to secure the presence of the accused during pendency of the trial. Imposing an onerous condition while extending the concession of bail, is practically no bail. It would be difficult for the petitioner to arrange different sureties in each of the 31 cases and would also, negate the concept of fair trial.

The Court is of the opinion that if 03 individuals with good financial background appear as 'surety', there should not be any difficulty in enforcing the terms of the surety bonds on them. Relevant factor to be kept in mind is that these 03 sureties should be possessing "sufficient means" to satisfy the condition of surety bonds, in case petitioner misuses the concession

of bail.

Resultantly, in view of the judgments of Hon’ble the Supreme Court and in view of the request made by the learned counsel for the petitioner, petition is disposed of with a direction that petitioner shall execute personal bond of Rs.50,000/-. She would also furnish three sound sureties, having sufficient means of the like amount, in all the 31 cases.

17.09.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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