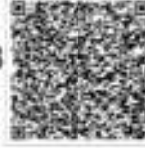


2025:PHHC:086448



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

SR. NO.122

**CRM-M-45551-2024 (O&M)
DATE OF DECISION:16.07.2025**

MONU ALIAS MONU KUMAR

...PETITIONER(S)

VERSUS

STATE OF HARYANA

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Ms. Mehak Ghangas, Advocate for
Mr. Ajay Ghangas, Advocate
for the applicant-petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 528 of BNSS with a prayer to modify the order dated 01.07.2024 passed by the Additional Sessions Judge, Sonipat, whereby onerous condition has been imposed upon the petitioner to deposit an FDR of Rs.3,00,000/- before the trial Court at the time of furnishing bail bonds and that furnishing of FDR will be a condition precedent for releasing the accused on bail in the present case.

2. Learned counsel for the petitioner contends that in the present case, the complainant has alleged that he was defrauded an amount of Rs.12,77,500/-. However, the said amount has been deposited by Nitin Gupta and Nitin Dabas, co-accused, by way of bank drafts and they were ordered to be released on bail. She next submits that the petitioner also

applied for grant of bail before the Court of Sessions Judge, Sonapat and ultimately vide order dated 01.09.2024, the bail application filed by the petitioner was allowed by the Court of Additional Sessions Judge, Sonapat. While allowing the concession of bail to the petitioner, apart from other conditions, the Additional Sessions Judge observed that the petitioner shall deposit an FDR of Rs.3,00,000/- before the trial Court to ensure his presence on each and every date of hearing and furnishing of FDR shall be a condition precedent for releasing the petitioner on bail.

3. Learned counsel for the petitioner next contends that in the present case, the amount in dispute has already been deposited by the co-accused. Even the petitioner is a very poor person, which is proved from the fact that till date, the petitioner has not been able to fulfil the condition of deposit of an FDR of Rs.3,00,000/- with the trial Court, which was a condition precedent for releasing the petitioner on bail. She further submits that the petitioner is ready to furnish the bail bonds/surety bonds before the trial Court and the condition of depositing FDR of Rs.3,00,000/- may be set aside.

4. On the other hand, learned State counsel submits that the condition of deposit of FDR of Rs.3,00,000/- has been rightly imposed on the petitioner so as to ensure the presence of the petitioner on each and every date of hearing and thus, the present petition deserves to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the case file.

6. A similar issue came up for hearing before Hon'ble the Supreme Court in **Subhash Chouhan Vs Union of India and another** (Crl. Appeal No.186 of 2023 arising out of SLP (Crl.) No.6640 of 2022, decided on 20.01.2023), **Suresh Kukreja Vs. State of MP and another, 2021 AIR (SC) 2690** and **Mithun Chatterjee Vs. State of Odisha, 2022 (4) RCR (Crl.) 919**, wherein the Apex Court observed that while granting the concession of bail, the courts should not impose onerous conditions on the accused, which would tantamount to denial of bail to the accused. While imposing the conditions at the time of grant of bail, the courts have to be reasonable and only such conditions may be imposed, which may be fulfilled by the accused. The Apex Court has observed repeatedly that any such condition, which is found to be over stringent and onerous, should be set aside and such accused must be released on such conditions.

7. Keeping in view the law laid down by Hon'ble the Supreme Court as referred above, the present petition is allowed and the condition imposed on the petitioner to deposit an FDR of Rs.3,00,000/- before the trial Court is set aside. The rest of other conditions will continue to operate and the impugned order is modified to that extent as indicated above.

(N.S. SHEKHAWAT)
JUDGE

16.07.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO