



CRM-M-22414-2026

-1-

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

139

CRM-M-22414-2026 (O & M)

Date of decision: 29.04.2026

Aditya Kumar Mohapatra and another

...Petitioners

Versus

M/s SRE India

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mayank Aggarwal, Advocate for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. The trial Court vide order dated 06.03.2026, Annexure P5, has imposed a condition upon the petitioners to furnish bail bonds to the tune of Rs.50,00,000/- with one surety of like amount, which is under challenge in the present petition, learned counsel stating it to be highly excessive.

2. It would be gainful to refer to the judgment in **Hussainara Khatoon vs. Home Secretary, State of Bihar, Patna**, 1979 AIR Supreme Court 1360, wherein Hon'ble the Supreme Court had held that, "It is high time that our Parliament realises that risk of monetary loss is not the only deterrent against fleeing from justice, but there are also other factors which act as equal deterrents against fleeing. Ours is a socialist republic with social justice as the signature tune of our Constitution and Parliament would do well to consider whether it would not be more consonant with the ethos of our Constitution that instead of risk of financial loss, other relevant considerations such as family ties, roots in the community, job security, membership of stable organisations etc., should be the determinative

CRM-M-22414-2026

factors in grant of bail and the accused should in appropriate cases be released on his personal bond without monetary obligation. Of course it may be necessary in such a case to provide by an amendment of the penal law that if the accused wilfully fails to appear in compliance with the promise contained in his personal bond, he shall be liable to penal action. But even under the law as it stands today the courts must abandon the antiquated concept under which pretrial release is ordered only against bail with sureties....”

3. Reference is made to the order passed by this Court in **Sharanjit Singh @ Suraj vs. State of Punjab**, 2024(2) Law Herald 1595, which was directed to be circulated to all Subordinate Courts within the States of Punjab and Haryana, to follow the law laid down in **Hussainara Khatoon** (supra) in a bailable case, relevant of which reads thus:

“15. In view thereof, this Court considers to issue the following directions:

(i) The appropriate Authorities i.e. the Secretaries of e-Governance Department of State of Punjab, State of Haryana as well as Union Territory, Chandigarh shall make appropriate application under Rule 4 of the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020 to the Secretary Ministry of Electronics and IT in the prescribed form requesting for Aadhaar Authentication Services in all the Court premises situated in their respective States/U.T. within 30 days from the date of receipt of certified copy of this order.

(ii) The said application once received by the Secretary, Ministry of Electronics and IT, shall be considered favourably within a further period of 30 days. The necessary equipment to be provided to the Courts in terms of the applicable scheme with applicable contribution by the State and the Central Government will be provided within a further period of 30 days. Entire system shall be made operational including implementation of software and hardware within a period of 4 months from the date of receipt of certified copy of this order.

(iii) That the infrastructure for bio-metric verification of the Aadhaar Card at the Court premises shall be

provided by the NIC, with the technical assistance of UIDAI.

Once The Infrastructure Is In Place:

(iv) The Courts while accepting surety shall insist for complete details and identity document of surety including Aadhaar Card. Consent of the surety shall be obtained for verification of Aadhaar Card.

(v) The Magistrate concerned i.e. the Magistrate having jurisdiction over the local areas within the limits of the concerned station shall verify the Aadhaar Card of the accused in the case of personal bond and the Aadhaar Cards of the sureties as well in the case of surety bonds.

(vi) For first time accused facing prosecution qua offences punishable with imprisonment of less than 7 years under the Indian Penal Code, the Courts shall comply with guidelines issued by Supreme Court in Hussainara Khatoon's case ibid and shall not insist on sureties if parameters laid down in Para 4 of the said judgment are fulfilled on inquiry/verification of Aadhaar number of the accused.

(vii) The Periphery Surety Module which was planned with the provision of not only integration of Aadhaar which authenticates and identifies individual Aadhaar number holder but also immovable property details which are tendered as surety by the party in the case, shall be fully implemented and utilized optimally. Whenever a person is to stand as surety the same shall be cross-checked with the database to satisfy w.r.t. the provisions of Section 441A of 1973 Code.

(viii) The Principal District Judge and the Chief Judicial Magistrates shall inspect the register of Sureties periodically, preferably after every three months.

(ix) Registrar General, Punjab & Haryana High Court is directed to issue necessary circulars to all the Courts in the States of Punjab, Haryana and U.T., Chandigarh. Necessary Rules be also framed in this respect, in the meantime, if so required.”

(emphasis supplied)

4. The petitioners being husband and wife, have been required to furnish bail bonds and surety of Rs.50,00,000/- each, cannot by any means be considered to be just and reasonable and would virtually stifle the fundamental right guaranteed under Article 21 of the Constitution of India, as it defeats the very object and purpose of granting bail.

CRM-M-22414-2026

5. In light of the afore, the present petition is disposed of by modifying the order dated 06.03.2026 to the extent that the amount is reduced to Rs.5,00,000/- each, to be furnished by a common surety.

29.04.2026
M.Kamra

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No