

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-S-2451-2025 (O&M)
Date of Decision: 20.01.2026

Kamlesh and Anr. ...Appellants

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Nitin Bhanwala, Advocate, for the appellants.

Mr. Shiva Khurmi, DAG, Haryana.

ANOOP CHITKARA, J. (Oral)

CRM-31239-2025

Present application has been filed for condonation of delay of 98 days in filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed.

Delay of 98 days in filing the accompanying appeal, is condoned.

CRA-S-2451-2025

Appellant has come before this Court impugning the order dated 28.02.2025 whereby request of appellant to reduce the surety amount from Rs.5 lacs to minimum amount has turned down by the trial Court.

2 One of the appellant before this Court, namely, Kamlesh is mother of the accused-Saurabh and other appellant was the co-villager, both of them stood surety under belief that her son were listen to them. However, the accused is still untraceable. Because the appellants were unable to produce the accused before this Court. As such proceedings under Section 446 Cr.P.C. were initiated and they were directed to deposit the bonds amounting to Rs.5 lacs each. The appellants filed an application for reduction of bond

amount from Rs.5 lacs to some reasonable extent but the same has been dismissed vide order dated 28.02.2025.

3 Aggrieved by the same, the appellants have come before this Court.

4 Learned counsel for the appellants submits that in case the amount is reduced to Rs.1 lakh each then they would be in a position to pay without cutting down their food and other basic necessities.

5 The entire purpose of surety is to produce the accused when most of the people have mobile phone and the mobile numbers are linked with Adhar Card. It is very easy for the State to trace location of the mobile phone by using towers and other technological means but despite that much weight is being given to take heavy surety amount which was on the face of it extremely high in this case. It is not a case that the mother intentionally asked her son to run away but she is facing difficulties because he did not listen to her.

6 In the peculiar facts and circumstances, we are convinced that the amount of Rs.5 lacs is on the very higher side and we exceed to the submission of the counsel for the appellant that in case amount is reduced to Rs.1 lakh each, they will deposit the same by 06.02.2026.

7. Given above, the appeal stand allowed. Amount imposed on the appellant Rs.5 lacs each reduced to Rs.1 lakh each. Both the appellants are directed to deposit Rs.1 lakh each before the trial Court on or before 06.02.2026 by 11 am. If they failed to do so, the present order shall stand recalled automatically, resorting to Section 403 BNSS. All pending application(s), if any, also stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

20.01.2026
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