



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

169

**CRM-M-38526-2025
DECIDED ON:21.07.2025**

NEHA DEVI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Petitioner in person
(through Hybrid Mode).

SANDEEP MOUDGIL, J

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking directions to the learned Chief Judicial Magistrate, Mansa, in FIR No.150 dated 14.09.2023 under Section 420 and 120-B of the IPC, registered at Police Station City-1, District Mansa, to reconsider and relax the surety bond condition of Rs.1,00,000/- imposed vide order dated 09.12.2024 (Annexure P-3), despite already accepting the petitioner's personal bond as such condition being unreasonable, excessive and contrary to the principles of natural justice.

The petitioner submits that the she was granted the concession of anticipatory bail by this Hon'ble Court vide order dated 07.12.2023, passed in CRM-M-50112-2023. In compliance with the said order, the petitioner duly appeared before the learned Chief Judicial Magistrate, Mansa, for the purpose

of furnishing bail bonds as required. The petitioner tendered her personal bond in the sum of ₹1,00,000/-, as contemplated under the anticipatory bail order.

However, it is submitted that, contrary to the spirit and tenor of the anticipatory bail order, the learned Magistrate, vide order dated 09.12.2024 (Annexure P-3), directed the petitioner to also furnish a surety bond in the same amount, i.e., ₹1,00,000/-, in addition to the personal bond already offered.

It is vehemently contended that the petitioner hails from a socio-economically disadvantaged background, being a member of a Below Poverty Line (BPL) family. Furthermore, she has been abandoned by her in-laws, which has left her without any familial or financial support. Owing to her impoverished condition and lack of social support, she is unable to procure a surety to comply with the conditions imposed by the learned Magistrate.

As a result, despite being granted anticipatory bail by this Court, the petitioner remains under constant fear of arrest. It is submitted that the imposition of an additional condition of surety bond, in such circumstances, operates harshly and unjustly upon the petitioner, and amounts to a denial of the effective relief granted under the anticipatory bail order.

Heard the petitioner at length.

This Court is sanguine of the fact that the fundamental right to personal liberty is enshrined under Article 21 of the Constitution, must be balanced against the interests of justice, particularly during the pendency of a criminal trial. Bail, as a mechanism, serves to secure the presence of the accused at trial without the continued deprivation of liberty.

In this context, surety bonds play a crucial role in ensuring that the accused complies with the conditions of bail and does not abscond. The requirement of a surety serves multiple purposes, which reads as under:-

(i) Assurance of Presence: *A surety undertakes a personal and financial responsibility to ensure that the accused appears before the court as and when required. This acts as a deterrent against absconding.*

(ii) Moral Accountability: *The involvement of a surety, who is often a person known to the accused, creates a layer of moral and social accountability that enhances compliance with bail conditions.*

(iii) Judicial Prudence: *Imposing surety bonds also reflects judicial caution, particularly in cases involving serious offences or where the risk of flight cannot be ruled out.*

This Court opines that surety bonds are a necessary safeguard in the bail process, reinforcing the objectives of justice while respecting the rights of the accused. Their necessity must be assessed on a case-to-case basis, balancing risk, equity, and the principle of proportionality.

Coming to the case in hand, the petitioner alongwith other co-accused allegedly duped the complainant to the tune of Rs.30,00,000/- on the pretext of sending his son to abroad and thereafter failed to fulfil the promise and also did not return his money.

In the light of above, the gravity of offence does not incline this Court to take a lenient view qua the present petitioner by waiving of the surety bonds of Rs.1,00,000/-, since allegedly the money duped is yet to be recovered, therefore, there are high chances the petitioner may abscond and evade the process of law.

Accordingly the present petition being sans merits, is therefore,
dismissed with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

21.07.2025

Meenu (v)

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No