

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2472-2020 (O&M)
Date of Decision:-22.1.2020

Surender Kumar	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sudhanshu Makkar, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 20.12.2019 (Annexure P-65) passed by learned Additional Sessions Judge, Gurugram, whereby his application dated 18.12.2019 (Annexure P-64) seeking his release on the basis of a single surety bond in respect of 31 different criminal cases, has been dismissed.
2. Notice of motion to State of Haryana.
3. On asking of the Court, Ms. Aditi Girdhar, Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. A copy of the petition has been furnished to the learned counsel representing the State today in Court.
4. I have heard the learned counsel for the petitioner as well as the learned State counsel.
5. A few facts, necessary to notice for disposal of this petition, are that Junior Engineer-I, New Palam Vihar, of HBVNL (Electricity Department) lodged 31 FIRs against different persons on the allegations of theft of electricity.

6. During the course of interrogation of the said accused they disclosed that tampering with the meter had been done with the help of one Suraj Bhan, who was also subsequently arrayed as an accused. Said Suraj Bhan, upon interrogation, disclosed that the petitioner Surender Kumar had assisted him in the said tampering. Consequently, the petitioner Surender Kumar also came to be arrayed as an accused in all 31 cases and was arrested on 2.8.2019.
7. Subsequently, the petitioner moved application before the learned Additional Sessions Judge, Gurugram seeking regular bail in all 31 cases and was granted bail in all the cases in the months of August and September 2019. Copies of the said orders have been annexed as Annexures P-32 to P-62. In the said orders, the petitioner had been ordered to be released on bail subject to his furnishing bail bonds for a sum of ₹1 lakh with surety bond of the like amount. However, on account of the inability of the petitioner to furnish 31 separate surety bonds, he has not been released on bail and has been in custody since August 2019.
8. Subsequently, the petitioner moved an application dated 18.12.2019 (Annexure P-64) before the Trial Court with a prayer that he be released in all 31 cases on the basis of single surety bond. However, the said application was declined vide impugned order dated 20.12.2019 (Annexure P-65) while observing therein that there is no provision of law which would permit a consolidated surety to be furnished in all 31 different cases when separate bail orders have been passed in the said cases.
9. Principally, the aforesaid observation cannot be found fault with. However, in the given circumstances of the case, wherein the petitioner has been

arrayed as accused in 31 identical cases pertaining to theft of electricity and wherein, as stated by the learned counsel, the entire amount found to be due, has already been deposited with the department concerned, arranging for 31 different sureties of ₹1 lakh each in all 31 cases, would be virtually nigh impossible as is demonstrated from the fact that the petitioner has been languishing in jail since August 2019 solely on account of the fact that he could not arrange for 31 different sureties.

10. Consequently, in view of the aforesaid peculiar circumstances, this Court finds it to be a fit case for invoking inherent power under Section 482 Cr.P.C. The present petition is accepted and the order dated 20.12.2019 (Annexure P-65) passed by learned Additional Sessions Judge, Gurugram, whereby his application dated 18.12.2019 (Annexure P-64) seeking his release on the basis of a single surety bond in respect of 31 different criminal cases is set aside.
11. It is ordered that the petitioner shall furnish one surety in one case, wherein it shall be stated categorically by the petitioner as well as by the surety that the surety bond may be forfeited on account of any default on part of the petitioner in any of the identical 31 cases. The petitioner, in any case, shall furnish separate personal bonds in all 31 cases. Upon the same being furnished, the petitioner be released on bail forthwith.

22.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No