

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

229

CRM-M-27218-2021

Date of decision : 22.07.2021.

Sushil Kumar @ Rana

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Saurabh Garg, Advocate for the petitioner.

Mr. Vijesh Sharma, Addl.A.G., Haryana.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking a direction to the trial Court to release him by submitting a single surety bond in all the 13 cases.

Learned counsel for the petitioner contends that the petitioner is facing trial in 13 cases pertaining to electricity theft. He further contends that although the trial Court has directed to release the petitioner in all these cases but onerous condition of furnishing local surety bond of ₹50,000/- in each case has been imposed. The petitioner is a poor person and has not been able to furnish surety and therefore, he continues to languish in jail. He has relied upon the judgment of the Coordinate Bench of this Court in the case of ***Mohammad Anas @ Rashid versus State of Haryana*** in CRM-M-22613 of 2020, decided on 04.09.2020 whereby the accused therein who was facing trial in 21 cases had been directed to furnish one surety for a sum of ₹2 lacs and two sureties for a sum of ₹2 lacs each which would be applicable in all the 21 cases.

Heard.

The petitioner has been ordered to be released on bail in all the 13

cases. The condition of furnishing bail bond for a sum of ₹50,000/- along with a local surety of ₹50,000/- in each case appears to be stringent. The petitioner has not been able to fulfill the condition of surety and therefore, he continues to be in jail. It has been held by the Supreme Court in the case of ***Moti Ram and others versus State of M.P., 1978 AIR 1594*** whereby the petitioner therein, who was a mason, had been ordered to be released on bail on the condition of furnishing surety for a sum of ₹10,000/-. The Supreme Court had held that imposition of such a heavy surety would defeat the very purpose of granting bail.

The Coordinate Bench of this Court in the case of ***Mohammad Anas @ Rashid versus State of Haryana(supra)*** has also directed the petitioner therein to furnish surety in one case which would be applicable in all the other cases.

It would thus be in the interest of justice, equity and fair play if the petitioner is directed to furnish surety in one case for his release in all other cases. Consequently, the petition is allowed and the petitioner shall furnish one surety in one case for a sum of ₹1 lac and two sureties for a sum of ₹1 lac each which sureties, would be applicable for all 13 cases. The surety bond would be conditional to the extent of any default on the part of the petitioner, it would stand forfeited. The petitioner would also furnish separate personal bonds in all the 13 cases. Upon the same being furnished, the petitioner shall be released on bail forthwith.

(ANUPINDER SINGH GREWAL)
JUDGE

July 22, 2021

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No