

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

(110)

CRM-M-46802-2021

Date of Decision : November 08, 2021

Anwar

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner relies upon the order passed by a Coordinate Bench of this Court in **CRM-M-27218-2021 on 22.07.2021 titled as Sushil Kumar @ Rana versus State of Haryana** to contend that where there is more than one case registered against the accused on the same allegation, on being granted the concession of bail, the accused is entitled for submission of comprehensive bail bonds in all the cases rather than a separate bail bond. Learned counsel for the petitioner submits that the petitioner is a daily wager and does not have sufficient means to submit separate surety bonds amounting to Rs.50,000/- each, which condition has been imposed by the trial Court while granting the benefit of bail to the petitioner in different FIRs.

Learned counsel for the petitioner submits that the petitioner is involved in 12 cases and though he has been granted the benefit of bail in those 12 cases but a condition of surety amounting to Rs.50,000/- has been made a condition precedent for availing the said benefit of bail. Learned counsel for the petitioner further submits that instead of payment of Rs.6

lacs i.e. Rs.50,000/- each in 12 cases, the petitioner is ready to furnish comprehensive surety bonds of Rs.4 lacs, which may be treated as a bail bond in all the 12 cases wherein, the petitioner has been granted the concession of regular bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and submits that though, the allegation in all the 12 cases is similar in nature with regard to the theft of electricity but as the petitioner is ready to furnish comprehensive bail bonds of Rs.4 lacs to be given by one person, to be treated as bail bond in all the 12 cases, the State raises no objection to the said proposal.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per the facts, which have been narrated hereinbefore, the petitioner is involved in 12 cases with the similar allegations. As per the petitioner, the petitioner has already been extended the benefit of bail but a condition of surety bonds to the tune of Rs.50,000/- in each case has been imposed.

The prayer of the petitioner is that rather than imposing condition of surety bonds in each case, a consolidated surety bond, applicable in all cases be allowed in the facts and circumstances of this case.

A Coordinate Bench of this Court in **Sushil Kumar @ Rana's case (supra)**, while dealing with the similar issue, held that where a person is involved in more than one case of similar nature, rather than imposing a

surety/bail bond in each case, a consolidated bail bond can be imposed. The order passed by the Coordinate Bench of this Court is as under:-

“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 Rs.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 Rs.2 lacs and two sureties for a sum of Rs. 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 Rs.50,000/- along with a local surety of Rs.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 Rs.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 Rs.1 lac and two sureties for a sum of Rs.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.”

Keeping in view the above, the prayer of the petitioner, as raised in the present petition, is allowed. Rather than furnishing a separate bail/surety bond to the tune of Rs.50,000/- in each of the 12 cases, which the petitioner is facing, as undertaken by the petitioner, a comprehensive bail bonds amounting to Rs.4 lacs be submitted by the petitioner, which will be treated as a bail bond in all the 12 cases, the description of which have been given in Annexure P-3. Annexure P-3 be appended along with this order.

November 08, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No