

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

CRM-M-13110-2022

Date of decision: 20.09.2022

Mubarik Khan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

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

Mr. Neeraj Poswal, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for issuance of directions to the learned Trial Court/Duty Magistrate that the petitioner may be permitted to furnish a single surety bond in 22 FIR cases in which the petitioner is nominated as accused by the prosecution and has now been granted bail vide orders of different dates passed by the Court of learned Additional Sessions Judge, Kurukshetra but however, the condition of furnishing bail bond and also the local surety bond of Rs.50,000/- in some of the cases and two local surety bond of Rs.1 lac in some of the cases has been ordered.

Learned counsel for the petitioner submits that the petitioner is involved in 22 FIR cases and has been granted benefit of bail in all the cases, however, the condition of furnishing bail bond and also the local surety bond of Rs.50,000/- in some of the cases and two local surety bond of Rs.1 lac in some of the cases have been made a condition precedent for availing the benefit of bail.

Learned counsel for the petitioner further submits that the petitioner is ready to furnish comprehensive surety bonds of Rs.20 lac which may be treated as a bail bond in all 22 cases wherein, the petitioner has been granted the concession of regular bail.

On issuance of notice of motion, reply by way of an affidavit of Sh. Ram Dutt, HPS, DSP, Kurukshetra has been filed on behalf of the respondent-State, wherein, it has been stated that there are total of 36 criminal cases under Section 136 of Electricity Act which have been registered against the petitioner.

The learned State counsel submits that the allegation in all the 22 cases (which are subject matter of present petition) is similar in nature with regard to the theft of electricity. He further submits that since the petitioner is a resident of the State of Rajasthan, therefore, the condition of heavy surety and local surety be imposed.

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

As per the facts, which have been narrated hereinbefore, the petitioner is involved in total 36 cases with the similar allegations. As per the petitioner, the petitioner has already been extended the benefit of bail but a condition of local surety bond of Rs.50,000/- in some of the cases and two local surety bond of Rs.1 lac in some of the cases has been imposed.

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

The 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 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 some of the cases and two local surety bond of Rs.1 lac in some of the cases, which the petitioner is facing, as undertaken by the petitioner, a comprehensive bail bonds amounting to Rs.20 lac be submitted by the petitioner along with local surety, which will be treated as a bail bond in all the 22 cases, the description of which have been given in Annexure P-3. Annexure P-3 be appended along with this order.

The present petition stands disposed off accordingly.

(NAMIT KUMAR)
JUDGE

20.09.2022
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No