

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.23192 of 2023 (O&M)
DATE OF DECISION: 10th OCTOBER, 2023

Tahir

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Mayank Gupta, Advocate,
for the petitioner.

Mr. Krishan K.Chahal, Addl. Advocate General, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. for allowing the petitioner to furnish one surety or his personal bonds for all the criminal cases in connection with his release (Annexures P-1 to P-45) as the petitioner has been released on bail in all the criminal cases but he is unable to furnish separate surety in all the cases.

2. The petitioner has mentioned in the petition that he has been involved in 45 cases of theft of copper electric wires. The trial Court has granted bail to the petitioner in all the 45 cases but has required bonds and sureties separately in each of 45 cases. Accordingly, the petitioner has approached this Court with the submissions that the petitioner is a poor labourer and he would not be in a position to furnish the bail bonds

and sureties in such large number of cases separately and independently. Instead, it is submitted by learned counsel for the petitioner that the petitioner is ready to furnish the bail bonds with sureties from five persons who will deposit with the Court the title deeds of their houses and/or title deeds of their agriculture land in a sufficient quantity. Learned counsel for the petitioner has relied upon the judgment rendered by Hon'ble the Supreme Court in the case of ***Hani Nishad @ Mohammad Imran @ Vicky Versus The State of Uttar Pradesh, SLP (Crl.) Nos.8914-8915 of 2018, decided on 29.10.2018***, as well as, judgment passed by co-ordinate Bench of this Court in the case of ***Mukim Ahamad @ Mukim Ansari Versus State of Haryana, CRM-M-2722-2022, decided on 03.02.2022***, which again has relied upon the aforesaid judgment of Hon'ble the Supreme Court, and has submitted that the condition of the bail should be reasonable so as to materialize the right of the bail to the accused. The conditions should not be prohibitory in nature which negates the very prospects of the accused getting bail. Hence, it is submitted that the petitioner be permitted to furnish the surety/bonds as submitted by the petitioner hereinabove.

3. Since, the above said judgment of Hon'ble the Supreme Court cannot be taken to be a judgment laying down any general law, rather, was passed on the facts and circumstances of that particular case; and only the said judgment has been followed by a co-ordinate Bench of this Court, therefore, *per se*, reliance of the petitioner on the said judgments may not be justified, particularly, in view of the fact that none of the provisions as contained in the High Court Rules and Orders of this Court or the provisions as contained in the Cr.P.C. have been discussed

and interpreted in either of the above said judgments. However, the fact remains that the petitioner has been granted bail in 45 cases and he is not likely to come out of the custody in anyone of the cases if individual surety/bonds are insisted upon in all the 45 cases. Had he been so rich or well connected, there would not have been any reason for him to involve himself in petty offences of stealing the copper electric wires. Therefore, in view of the limited options available in the matter, this Court deems it appropriate to permit the petitioner to furnish bonds with sureties of five persons, who will submit to the concerned Court the title deeds of their houses and/or the title deeds of their agriculture land. These sureties shall be taken as sufficient for all the cases. However, the extent of value of the properties to be furnished as surety would be to the satisfaction of the concerned trial Court.

4. With these directions, the order passed by the trial Court is modified and the present petition is disposed of in the above said terms.

10th OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>