

273 2023:PHHC:132613
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51156-2023
Date of Decision: 11.10.2023

Naveen Mathur

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the condition of deposit of 50% of the impugned amount while grant of ad-interim bail to the petitioner.

2. Learned counsel for the petitioner submitted that vide order dated 22.09.2023 the learned Additional Sessions Judge, Ludhiana has imposed an onerous condition for deposit of 50% of the impugned amount regarding which the allegations against the petitioner were with regard to theft of electricity. He submitted that such an onerous condition for grant of anticipatory bail cannot be imposed in view of the judgment of Hon'ble Supreme Court in *Ramesh Kumar Vs. The State of NCT of Delhi, 2023(7) SCC 461*.

3. Notice was issued to the State and the learned State counsel

has stated that there is no dispute with regard to the proposition of law.

4. I have heard the learned counsel for the parties.
5. A perusal of the aforesaid impugned order would show that while granting interim anticipatory bail a condition of deposit of 50% of the amount has been made. Such a condition is not permissible since even otherwise the allegations are pertaining to theft of electricity and it is yet to be decided at the time of trial as to whether the theft was committed or not.
6. In view of the above, the present petition is allowed. It is directed that the aforesaid condition of deposit of 50% of the amount is set aside. However, the other conditions for grant of bail shall remain same.

11.10.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking

Whether reportable

:

:

Yes/No

Yes/No