



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

289

CRM-M-26296-2025 (O&M)

Date of decision: 23.09.2025

Sh. Anil Kumar

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Kunal Dawar, Advocate and
Mr. Saurav Bajaj, Advocate for the petitioner(s).

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

Mr. Vivek Chauhan, Advocate for respondent No.2-DHBMN.

Mr. Sandeep Majithia, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-19926-2025

Application is allowed as prayed for subject to all just exceptions.

CRM-21957-2025

Application is allowed as prayed for subject to all just exceptions. Affidavit(s) of the aggrieved person(s) as Annexures D-1 to D-5 are taken on record.

Main case:

The instant petition has been filed seeking setting aside of the condition to make a pre-deposit of 40% of assessed amount i.e. Rs.32,04,714/- imposed by the learned Additional Sessions Judge, Faridabad



vide order dated 03.05.2025 while granting the concession of ad-interim anticipatory bail to the petitioner in case bearing FIR No.1434 dated 17.04.2025 registered under Sections 135, 138 and 151 of the Electricity Act, 2003 at Police Station State Enforcement Bureau, Faridabad, Haryana.

2. Learned counsel appearing on behalf of the petitioner contends that the said condition could not have been imposed in light of the judgment passed in **CRM-M-8508-2024** by this Court in the matter of '**Vijay Panghal and another Vs. State of Haryana**' reported as **2024 NCPHHC 161701**, as well as on the judgment passed by the Hon'ble Supreme Court in the matter of '**Ramesh Kumar Vs. The State of NCT of Delhi**' reported as **2023 AIR Supreme Court 3484** and in the matter of '**Bimla Tiwari Vs. State of Bihar and others**' reported as **2023 (1) RCR (Criminal) 773**, wherein it was held that conditions of bail should not be akin to proceedings for recovery of money, which are essentially in the realm of civil proceedings. Hence, the conditions of mandating a pre-deposit for extending concession of bail, should not be imposed. The Court, as per the said judgments, is required to only consider as to whether the concession of bail is to be granted or the same is to be declined and in the said process it would not travel beyond the aforesaid confines or impose conditions as would render the proceedings for seeking pre-arrest bail akin to recovery proceedings of the outstanding dues.

3. Learned State counsel as well as the complainant although level allegations with respect to the conduct of the petitioner and he being an accused of electricity theft, however, they have not referred to any judgment in support of their case or to distinguish that the ratio of the judgment in the



matter of *Ramesh Kumar and Bimla Tiwari (supra)* would not be applicable to the facts of the present case.

4. It is however apprised that the anticipatory bail filed by the petitioner is still pending at the same stage and the same has not been finally decided.

5. Having heard the learned counsel for the respective parties and taking into consideration the judgment in the matter of *Vijay Panghal and another; Ramesh Kumar; and Bimla Tiwari (supra)*, the condition of mandating the pre-deposit of 40% of assessed amount imposed vide order dated 03.05.2025 while extending the concession of ad-interim anticipatory bail, is **set aside**. The trial Court is directed to take a final decision as to whether the power under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is to be exercised in favour of the petitioner or not. Let the decision on the pending bail petition be taken by the Additional Sessions Judge, Faridabad, expeditiously.

6. The petition is **allowed** in above terms.

(VINOD S. BHARDWAJ)
JUDGE

23.09.2025

Mangal Singh

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