

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

Criminal Misc.No.M-11122 of 2014

Date of Decision: February 24, 2015

Kunwar Singh

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.R.S.Bajaj, Advocate,
for the petitioner.

Mr.Shilesh Gupta, Addl.AG, Punjab.

Mr.Manoj Chadha, Advocate, for
Mr.Amit Aggarwal, Advocate,
for the respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner, Kunwar Singh, who has been booked for having committed the offence punishable under Section 135 of the Electricity Act in a case arising out of FIR No.27, dated 12.1.2014, registered at Police Station, Anti Power Theft, District Jalandhar.

Learned counsel contends that the petitioner was an employee of Piyara Singh and as such, he cannot be prosecuted for committing the theft of the electricity; the learned Additional Sessions Judge while disposing of the petition for pre-arrest bail had wrongly imposed the condition to deposit 50% of the demand put forth by the Electricity Department.

Learned counsel for the State and learned counsel for respondent No.2 has brought to the notice of this Court that at the time of raid the petitioner was present at the spot and later, he confessed his guilt before the officials of the Electricity Department. It was also admitted that the premises where the electricity metre was affixed was on rent with him. He also admitted tempering of the electricity meter.

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

The officials of the Electricity Department came to the conclusion that by tempering with the electricity meter, the petitioner had illegally consumed 192559 units of the electricity whereby he gained the benefit of Rs.12,28,526.42. Including the compounding fee the total amount would be Rs.49,59,434/-. The informant/respondent No.2 has enough material to substantiate the fact that the premises where electricity meter was installed was on rent with the petitioner and he tempered with the seals of the electricity meter and illegally consumed huge electricity and caused severe loss to the Electricity Department.

No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

February 24, 2015
seema

(Naresh Kumar Sanghi)
Judge

