

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

**Criminal Misc.No.M-11125 of 2014
Date of Decision: February 24, 2015**

Piara 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 respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Piara 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 as per the prosecution version itself, the premises where the electricity meter was installed was on rent with Kunwar Singh and during pendency of inquiry with the Electricity Department, the said Kunwar Singh admitted the said fact and also admitted that he had tempered

with the electricity meter and as such, the petitioner cannot be blamed for the theft allegedly committed by Kunwar Singh.

Learned counsel for the State though admitted the fact with regard to confession on the part of Kunwar Singh but he opposed the grant of bail to the petitioner on the premise that at the time of raid by electricity officials, the petitioner was found present at the spot.

Learned proxy counsel for respondent No.2 has also adopted the arguments raised by learned counsel for the State.

In view of the rival contentions raised by learned counsel for the parties, it will be a moot point during the course of trial with regard to culpability on the part of the petitioner and as such, the present petition is allowed.

In the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the arresting officer.

The petitioner shall join the investigation as and when required to do so and abide by all the conditions laid down in Section 438(2),Cr.P.C.

February 24, 2015
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(Naresh Kumar Sanghi)
Judge