

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-20407 of 2015

Date of decision : July 13, 2015

Naresh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. S.K.Tripathi, Advocate, for the petitioner
Mr. Deepak Sabharwal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Naresh in this anticipatory bail are that while being tenant in a dwelling unit, he was found extracting electricity through fraudulent means and while the team of the Electricity Department had checked the premises, he assaulted them on 30.4.2015.

The contentions of counsel for the petitioner Mr. S.K.Tripathi are that FIR was registered after six days of the occurrence and the petitioner is a student and does not reside in the said premises as tenant and has been released on bail in the earlier case.

The bail application is opposed by the State stating that penalty of a sum of Rs 1,07,221/- under the Electricity Act has been imposed and if the bail is allowed to the petitioner, he will abscond and he has caused immense financial loss to the Instrumentality of the State.

Appreciating these arguments, without adverting on to the merits of the case, since the petitioner is a student and sending him to custody will jeopardise his future career and in view of the fact that no article is to be recovered from him. However, to safeguard the interests of the department, it would subserve ends of justice to order that the petitioner shall first deposit one half of penalty amount of Rs 1,07,221/- in the trial court/Illaqa Magistrate and for the remaining amount he will furnish surety bond of the value of Rs 2 lacs to the satisfaction of the trial court/Illaqa Magistrate, out of which the department will be entitled to recover the penalty as per law. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Presently the petitioner is directed to join the investigation within 10 days.

The present petition stands disposed off.

July 13, 2015
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(Fateh Deep Singh)
Judge