

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32564 of 2015

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Date of decision:19.11.2015

Liyakat

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Amit Jain, Advocate for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.155 dated 4.7.2013 registered
for the offence under Section 135 of Indian Electricity (Supply Act) Act,
2003 (hereinafter referred to as 'the Act') at Police Station Sushant Lok,
Gurgaon, District Gurgaon.

Notice of motion has been issued in this case.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana
has put in appearance on behalf of respondent-State and contested this
petition.

I have heard learned counsel for the petitioner and learned

Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that the FIR in the present case has been registered against the petitioner on the basis of application sent by SDO Bhagirath Lodha, Ferozepur Jhirka, DHBVN, Haryana Bijli Vitran Nigam Limited (hereinafter referred to as 'HBVNL') as the petitioner was found using theft of electricity through which a loss of ₹2,52,710/- occurred to HBVNL. A notice was sent to the consumer as he had not paid his theft penalty after writing many times.

At the time of arguments, learned counsel for the petitioner argued that the petitioner is not the consumer of HBVNL.

On the other hand, learned State counsel argued that when the raid was conducted, the petitioner was present and he refused to sign on the memo and further taken the electricity wire from the official by saying that he will pay the penalty amount. The learned State counsel also argued that the petitioner was running 'Atta Chakki' illegally without any licence etc. and also by taking direct connection from the pole. The learned State counsel also brought to my notice a certified copy of the order, which has been placed on record, vide which the present petitioner has been declared as proclaimed person.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner is avoiding the process of law and has already been declared a proclaimed person, I do not find it a fit case where he is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

November 19, 2015.

(Inderjit Singh)
Judge

hsp