

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-23948 of 2016
Date of Decision: 22.07.2016

Raju

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. J.S. Hooda, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.423 dated 12.02.2016 under Sections 135, 138, 151 of the Indian Electricity (Supply) Act, 2003 registered at Irrigation and Power Police Station, Faridabad, District Faridabad.

Learned counsel for the petitioner contends that the allegation against the petitioner is of theft of energy (electricity), which is based on inspection report prepared by the Inspection Committee. The petitioner is

in custody since 10.3.2016 and the amount of recovery on account of alleged theft of energy, caused by tempering the meters, has already been deposited by the consumer. Learned trial Court had declined regular bail to the petitioner on the ground that he was arrested from the spot and recovery of one small transformer and certain equipments, which were used for tempering the meter, were effected from him. He further submits that though there are other cases pending against the petitioner, but in all those cases, the petitioner has already been admitted on regular bail.

Learned State counsel, on instructions from SI Varinder Singh, submits that in the case in hand, the consumer has already deposited the amount which was outstanding against him on account of theft of energy. He does not dispute the fact that the petitioner has been admitted on regular bail in all other connected cases registered against him. He further submits that in the case in hand, challan has been presented and the trial will take sufficiently long time for its conclusion.

I have heard learned counsel for the parties.

It is not disputed that the consumer has already deposited the amount due, as pointed out by the Inspecting Committee. Considering the fact that the petitioner is in custody since 10.3.2016 and the prosecution evidence has not yet started and thus, the trial will take sufficiently long time, the present petition is allowed. The petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case and the observations so made have been confined only for the adjudication of the present petition.

July 22, 2016
AK

(HARI PAL VERMA)
JUDGE