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

CRM-M-31201 of 2016

Date of decision: December 20, 2016

Govind

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. J.S. Ghuman, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Naresh Kumar (PW) son of Shri Tansen has filed an affidavit, which is taken on record and stated in Paras 5 & 6 as under:-

“5. That the FIR in this case was registered on 06.02.2014 and I joined in Vigilance on 26.08.2014, therefore, there is no question of mine being a witness in this case.

6. It is not understood as to in what capacity I had been cited as a witness in this case.”

Heard learned counsel for the petitioner Mr. J.S. Ghuman, Advocate.

Explanation given by Naresh Kumar seems to be satisfactory. It appears that the prosecutor as well as police cited him as a witness who was not, in fact, the witness in this case. Be that as it may, the proposed action against Dinesh Kumar is withdrawn and

dropped.

In so far as the present petitioner is concerned, in FIR No.54 dated 06.02.2014, under Sections 138/150 of the Electricity Act, 2003 (for short 'Act of 2003'), registered at Police Station Irrigation and Power, Sushant Lok, Gurgaon, District Gurgaon, he was arrested on 04.11.2015 and is in jail since. It is true that the petitioner is being prosecuted in 38 similar cases and learned counsel for the petitioner states that the petitioner is on bail in 37 cases.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, looking to the sentence provided under the Act of 2003. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses. The Commissioner of Police, Gurgaon is directed to oversee the conduct of prosecution cases since the petitioner is facing as many as 38 prosecutions and there is lack of proper consideration.

(A.B. CHAUDHARI)
JUDGE

December 20, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No