In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39213 of 2016

.....

Date of decision:16.11.2016

Mangal Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. O.P. Kamboj, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab
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.547 dated 29.7.2015 registered for the offence under Section 135 of the Electricity Act, 2003 (hereinafter referred to as `the Act') at Police Station APT, District Bathinda.

Notice of motion was issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that the allegation against the present petitioner is that he committed theft of electricity. It was found that the

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accused has no connection but he was found committing theft of the electricity by applying `Kundi' and he was directed to pay ₹2,37,517/- as compensation and compounding charges of ₹80,000/-.

Learned counsel for the petitioner argued that the petitioner purchased the Flour Mill fifteen days earlier to the occurrence. Therefore, he argued that the petitioner is not liable to pay any amount.

I have perused the order dated 11.4.2016 passed by learned Additional Sessions Judge, Ferozepur. It shows that the Court had given the direction to the applicant to deposit 50% of the amount of ₹2,37,517/- along with compounding fee within 20 days, but the present petitioner has not complied with the order and has not deposited the amount. Today, again he argued that the petitioner is not ready to deposit any amount with the PSPCL.

Keeping in view the facts and circumstances of the present case, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail and he was found committing the theft of electricity as per allegations in the FIR and he is not ready to deposit any amount. Therefore, in these circumstances, I do not find any ground to grant the benefit of anticipatory bail. Hence, finding no merit in this petition, the same is dismissed.

November 16, 2016. **(Inderjit Singh)**
Judge

hsp

NOTE: Whether speaking/reasoned: Yes
Whether reportable: No

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