

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

**CRM-M No.7892 of 2016 (O&M)
Date of Decision : 11.08.2016**

Sunder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Atul Lakhanpal, Senior Advocate with
Mr. Devender Dutta, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.239 dated 04.02.2016 registered under Section 135 of Electricity Act at Police Station Irrig. & Power, Hissar, District Hissar.

On 04.03.2016 the following order was passed:-

“Allegations in a nutshell are with regard to theft of electricity. Counsel would submit that the petitioner has been falsely implicated and that too at the hands of his

brother with whom he has strained relations. To substantiate such assertion, it is submitted that the checking of the meter was not done in the presence of the present petitioner and rather in the presence of the brother of the petitioner namely Kuldip Singh. Further contended that Kiranpal Kaur i.e. wife of Kuldip Singh had earlier lodged F.I.R No.185 dated 28.4.2015 under sections 323, 341, 506, 34 I.P.C at Police Station, Bhuna, District Fatehabad, against the present petitioner. Counsel submits that petitioner otherwise is ready and willing to join investigation.

Notice of motion, returnable for 26.5.2016.

In the meanwhile, petitioner is directed to join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned Additional Advocate General, on instructions from S.I. Rajinder Parshad accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 04.03.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

11.08.2016

Pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No