

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
209**

CRM-M-12282-2017

Date of decision: 11.05.2017

Dinesh

...PETITIONER

VS.

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Vikas Chopra, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for grant of regular bail in FIR No. 1879 dated 23.03.2017 registered under Sections 135, 138, 150 of Electricity Act, Police Station I & P Rohtak.

As per the allegations against the petitioner, he was holding a soldering tool at the time when the raid was conducted by the team headed by the Sub-Divisional Officer of the Electricity Department.

Counsel for the petitioner submits that it is not the case of the prosecution that the petitioner was doing the soldering work or that he had been found tempering with the meter. His further submission is that the petitioner is in custody since 23.03.2017. Although the challan has not been

possibility of the petitioner tempering with the evidence in any manner as all the recoveries, which had to be effected, were made at the spot itself. Prayer has, thus, been made for grant of bail.

On the other hand, learned counsel for the State has submitted that apart from the present incident, on a disclosure statement made by the petitioner, two other meters have also been found to be tempered with. For the said meters, which have been got recovered at the behest of the petitioner, two separate FIRs have been registered against him. He, thus, contends that the petitioner is a habitual offender and could not be granted the concession of bail. It has also been informed by him that the co-accused Krishan Kumar, owner of the house and the beneficiary, has been granted bail by the learned Special Court. Prayer has thus, been made for dismissal of the present petition.

I have considered the submissions made by the learned counsel for the parties and with their assistance, have gone through the records of the case.

The allegations against the petitioner are made to the extent that he was holding the soldering tool. Nothing has come on record that he was actually using the said machine or had been instrumental for using it in the house. That apart, the petitioner is in custody since 23.03.2017. Even the challan has not been presented and as per the position, as is apparent from the record, all the witnesses are officials and the recoveries have already been effected from the spot. He is not required for any purpose and, more so, there is no likelihood of his tempering with the evidence to influence the witnesses. For the two other meters, which are said to have been recovered from him at his behest, separate FIRs have been registered

against the petitioner, for which he would be facing separate trial. As regards the present petition is concerned, the prayer made by the petitioner is accepted as trial is not likely to conclude soon and further incarceration of the petitioner would not serve any purpose.

In view of the above, the present petition is allowed. Petitioner is directed to be released on bail to the satisfaction of CJM/Special Court, Sonapat.

May 11, 2017

pj

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No