

CRM-M-14434-2017

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

CRM-M-14434-2017

Date of Decision: 10.05.2017

Balwinder Kumar @ Binder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Aalok Jagga, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Balwinder Kumar @ Binder has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.162 dated 27.03.2017, registered at Police Station Anti Power Theft, Ludhiana, under Sections 136 and 137 of the Electricity Act, 2003.

Notice of motion has been issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the petitioner-accused is having scrap shop. At the time of raid, some articles i.e. 52 pieces of 1/3rd meter length, 48 pieces of PVC cover, 25 front covers of single phase meter and 47 lower covers, 25 reading counters, 9 meter plates which bear the mark of

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PSEB, 27 terminal plates, one phase 3 meter, one body of 3 phase meter, 2 load seals, two screw drivers, one hammer with which the meters are broken, were found near the shop of the petitioner. Four women, who ran away from the spot, were also scratching/peeling the power cable.

As per the impugned order dated 17.04.2017 passed by learned Additional Sessions Judge, Ludhiana, the petitioner has already joined the investigation, however, keeping in view the nature and gravity of the offence, learned Addl. Sessions Judge dismissed the bail application of the petitioner.

From the record, I find that since the petitioner has already joined the investigation, recovery has already been effected and he is not required for custodial interrogation, therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. It is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

10.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note: Whether speaking/reasoned
Whether reportable

: Yes
: No