

CRM -M-45968 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

**CRM -M-45968 of 2016
Date of Decision: 8.5.2017**

Surinder Singh Pali

---Petitioner

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.Arun Singla, Advocate
for the petitioner**

Mr. Ankur Jain, AAG, Punjab

**Mr. ADS Jattana, Advocate
for the respondent No. 2 /complainant**

Rekha Mittal, J.

Counsel for the petitioner has submitted that criminal proceedings at the instance of respondent No. 2 by filing a private complaint under Sections 452, 354, 323 read with Section 34 of the Indian Penal Code (in short "IPC") and Section 3 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the Act") were initiated after about six months of the alleged occurrence dated 18.7.2015 as a counter blast to FIR No. 109 dated 18.7.2015 registered against husband of the complainant by Sukhdev Singh, Sub Divisional Officer under Sections 353, 186, 506 and 149 IPC. It is further submitted that the present petitioner was one of the members of checking party who visited village Ramgarh

Jawandhe and during checking found Kulwant Singh son of Gurcharan Singh husband of the complainant committing theft of electricity. It is further submitted that husband of the complainant refused to sign the checking report but in pursuance of the show cause notice issued under Section 135 of the Electricity Act (Annexure P-3) he has deposited assessed amount of Rs. 27,988/- and compounding fee of Rs. 3000/-. Another submission made by counsel is that as the petitioner has been summoned in a private complaint and he has already caused appearance before the court below and released on bail, interim bail granted to the petitioner may be made absolute.

Counsel for the complainant has opposed the prayer for bail with the submission that as per allegations in the FIR, various officials of the electricity department had gone to the spot and made some report qua theft of electricity by Kulwant Singh son of Gurcharan Singh but the complainant has lodged criminal proceedings only against the present petitioner and not against others, sufficient to show that she has no mala fide intention. It is further submitted that keeping in view the provisions of Section 18 of the Act creating a bar against grant of pre arrest bail, the petitioner is not entitled to benefit of bail in anticipation of arrest.

I have heard counsel for the parties and perused the records.

Indisputably, the petitioner was one of the members of the checking party of the electricity department who found Kulwant Singh son of Gurcharan Singh husband of the complainant indulging in theft of electricity which led to registration of a criminal case, deposit of assessed amount and compounding fee by husband of the complainant. The instant

complaint has been filed by respondent no. 2 six months after the occurrence. The complainant must have felt agitated against action of the electricity staff and FIR registered against her husband on 18.7.2015, custodial interrogation of the petitioner is not required. He is ready to face proceedings pending before the Court.

In view of the above, without meaning to express any opinion on merits of the case, interim bail granted to the petitioner is made absolute subject to the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

(Rekha Mittal)
Judge

8.5.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No