

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

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**CRM-M No.13993 of 2018
Date of Decision: 18.4.2018**

DILSHAD AND ANOTHER

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ravinder Bangar, Advocate,
for the petitioners.

Mr. Munish Dev Sharma, AAG, Haryana.

RAJ MOHAN SINGH, J.(oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 0138 dated 14.2.2017 registered under Section 136 of the Indian Electricity Act at Police Station City Thanesar, Kurukshetra.

Theft of 16 KVA transformer is alleged against the petitioners during intervening night of 10/11.2.2017. The detail of theft of material of transformer was also shown in the FIR. Recovery was effected from co-accused Amandeep Singh to whom the petitioners allegedly sold the material.

Learned counsel for the petitioners submitted that the offence is triable by Special Court and maximum sentence that can be passed is upto three years with fine or with both. Section 136 (2) of the Electricity Act would apply only if a person is convicted and is involved in a second case or offence. In such eventuality, the offence for a term of imprisonment which shall not be less than six months but which may extend to five years along with fine can be passed. Though the petitioners are involved in other cases, which are pending trial and they have not been convicted in any of those cases so far, therefore, the aforesaid applicability of offence under Section 136 (2) of the Electricity Act would be debatable.

In FIR No.0049 dated 19.2.2017, petitioners have been granted regular bail by this Court on 14.2.2018 in CRM-M No.4411 of 2018. Co-accused Amandeep Singh from whom recovery was effected has also been granted regular bail on 5.5.2017 by the Coordinate Bench of this Court in CRM-M No. 14899 of 2017.

The aforesaid statement of facts has not been disputed by learned State counsel on instructions from ASI Hans Raj.

In view of above, without commenting upon merits of the case, I am of the view that the case of the petitioner can be

considered for grant of regular bail .

Accordingly, this petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 18, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking
Whether reportable

Yes/No
Yes/No