

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

CRM-M-36844-2017 (O&M)

Date of decision: 29.01.2018

Satender Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Jitender K. Sehrawat, Advocate for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.309, dated 28.12.2016, under Section 420 IPC, registered at Police Station Civil Lines, Bhiwani District Bhiwani.

Apparently, the present petitioner was the tenant in shop No.13, Court road, Bhiwani which was otherwise under the ownership of one Pawan Kumar. Petitioner remained as a tenant till the year 2006.

Instant FIR has been lodged at the instance of XEN (Operations), Dakshin Haryana Bijli Vitran Nigam Limited and on the basis of a complaint made by owner of the shop in question and to the effect that co-accused Rajbir, who was the subsequent tenant has submitted a false affidavit on behalf of the present petitioner and in which the petitioner herein was reflected as owner of the shop and such affidavit had been filed to facilitate transfer of the electricity connection in the name of Rajbir.

On 29.09.2017, while issuing notice of motion, the following order was passed by this Court:

“It is inter alia contended that violation, if any, is under the Indian Electricity Act attracting penalty and that no offence under Section 420 IPC is made out as nothing is to be recovered from the petitioner nor has he made any wrongful gains.

Notice of motion for 29.01.2018.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jatinder Singh apprises the Court that the petitioner has since joined investigation.

Still further, hand writing specimen of the present petitioner as also of the co-accused have already been taken and even sent to FSL for an expert opinion. The report is stated to be still awaited.

Co-accused Rajbir and in whose favour the electricity connection had been transferred by Uttar Haryana Bijli Vitran Nigam Limited has been granted benefit of pre-arrest bail.

In view of the circumstances noticed herein above, the custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 29.09.2017 passed by this Court is made absolute.

Disposed of.

29.01.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |