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

CRM-M No.4411 of 2018
Date of Decision: 14.02.2018

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. M.D. Sharma, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioners seek grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.0049 dated 19.02.2017 under Section 136 of the Indian Electricity Act registered at Police Station Ladwa, Kurukshetra.

2. Petitioners are accused of offence under Section 136 of the Electricity Act registered at Police Station Ladwa. They have allegedly committed theft of transformer installed in the fields of village Ban and copper wires were recovered from the petitioners.

3. Prayer for bail was rejected by the Additional Sessions Judge, Kurukshetra primarily on the ground that eight

more cases are also pending against the petitioners and they are habitual offenders of committing such like offences.

4. Learned counsel for the petitioners submitted that the petitioners were arrested on 24.03.2017. Challan has been presented and they are in judicial custody.

5. Learned State counsel on instructions from ASI Baljit Singh submitted that the petitioners are habitual in committing theft of electricity implements like transformers and copper wires and all the eight cases were registered during a span of three months. In case, the petitioners are granted bail, they may give birth to one more case.

6. I have considered the submissions made by learned counsel for the parties.

7. Under Section 136 of the Electricity Act, the offence is punishable with imprisonment for a term which may extend to three years with fine or with both. Offence in terms of Section 136(2) of the Act would come into play only if a person is convicted and then he is involved in a second case or second 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.

8. It is a conceded position that all the eight cases are still pending and the petitioners have not been convicted in any

of those cases, therefore, at this stage keeping in view the custody of the petitioners for the last more than 10 months and the stage of trial, I deem it appropriate to grant regular bail to the petitioners.

9. In view of above, the petition is allowed. Petitioners are ordered to be released on regular bail subject to their furnishing heavy bail bonds/surety bonds to the satisfaction of trial Court.

10. Nothing observed hereinabove shall be construed to be an opinion on the merits of the case.

14.02.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No