

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. M – 7818 of 2018

Date of decision: 19.04.2018

Dilshad & Anr

... Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

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

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (for short, "Cr.P.C.) for grant of regular bail to the petitioner in case FIR No. 0035 dated 03.02.2017, registered offences punishable under Section 136 of the Indian Electricity Act (2003) at Police Station Ladwa, Kurukshetra.

Heard.

Status report filed by learned State counsel today in Court is taken on record and copy thereof supplied to the counsel for the petitioner.

Case of the prosecution is that the petitioners had committed theft of copper coils and iron strips from the transformer and caused huge loss of Rs.48,520/-. They have already granted bail in Crl. Misc. M – 4411 of 2018.

Learned State counsel submits that the petitioners are habitual in committing theft of electricity implements like transformers and copper

wires and he is involved in 16 more cases.

I have considered the submission made by learned counsel for the parties.

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.

Petitioners are in custody since 26.03.2017.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners – Dilshad and Julfan is ordered to be released on regular bail subject to the conditions, if any, and on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

April 19, 2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No