

CRM-M-31460 of 2017

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

CRM-M-31460 of 2017
Date of decision: 08.04.2019

Digamber Goyal

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. H.S. Randhawa, Advocate, for the petitioner.
Mr. R.K. Makkar, Sr. DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for setting aside order dated 08.01.2016 (Annexure P-5) of learned Additional Sessions Judge, Palwal, whereby application of the petitioner for refund of ₹5,00,000/- in case FIR No.92 dated 18.09.2007 registered under Section 135 of the Electricity Act (in short the 'Act') at Police Station Hassanpur, District Palwal, was dismissed.

Briefly, in the night of 17.07.2017 officials of the Dakshin Haryana Bijli Vitran Nigam Limited (in short the 'Nigam') raided the oil mill of the petitioner and found him stealing electricity energy. Checking report was prepared, on the basis whereof loss to the tune of ₹25,03,744/- was assessed allegedly caused by the petitioner to the Nigam. Consequently, aforesaid FIR was registered against the petitioner.

On his arrest, petitioner applied for regular bail before the trial Court, which was rejected. Therefore, petitioner by way of CRM-M-49894 of 2007 approached this Court. Vide order dated 22.11.2007, this Court,

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while granting bail to the petitioner imposed a condition upon him to deposit ₹5,00,000/- with the Nigam within seven days. Petitioner in compliance of said order deposited the said amount with the Nigam. After holding trial, petitioner was acquitted vide judgment dated 28.01.2010 against which State of the Nigam did not choose to file any appeal. Therefore, aforesaid judgment of the trial Court dated 28.01.2010 has attained finality.

Short prayer made by the petitioner in the instant petition is to release his ₹5,00,000/-, which was deposited by him with the Nigam as a pre-condition for his bail.

Heard.

Since, petitioner has been acquitted by the trial Court vide judgment dated 28.01.2010, which has attained finality, therefore, Nigam is directed to refund ₹5,00,000/- to the petitioner, deposited by him way back in the year 2007, within one month from today, failing which erring official would be penalised for the interest for illegally withholding the said amount.

Disposed of.

April 08, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No