

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-32707 of 2019

Date of Decision: 29.08.2019

Birbhan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anterpreet Singh, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.6367 dated 13.11.2018 registered for the offence punishable under Section 135 of Electricity Act, 2003, at Police Station Irrigation and Power, Jind, District Jind.

Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, the petitioner indulged in committing theft of electric energy thereby causing loss of ₹3,14,998/- to Dakshin Haryana Bijli Vitran Nigam (DHBVN). The petitioner was arrested in this case on 11.12.2018 and is in custody since then.

Learned State counsel submits that after presentation of challan

04 out of 11 witnesses have been examined so far.

Case of the prosecution is based on documentary evidence. Without expressing any opinion on merits of the case and keeping in view the period of custody of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Birbhan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

August 29, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No