

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

CRM-M-29889-2020 (O&M)
Date of Decision:- 13.10.2020

Sukhwinder Singh @ Pilla ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parvinder Singh Guliani, Advocate for the petitioner.

Mr. Rana Harjasdeep, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.82 dated 14.7.2020 under Sections 332/338/307 IPC at Police Station Cheema, District Sangrur.
2. The allegations in the FIR are that the petitioner had switched on the switch of 11 kv of Nagiana feeder which had infact been switched off by the officials of the Electricity Department as some repairs were to be carried out. It is alleged that since Jaswinder Singh, Lineman was carrying out the repairs, he sustained electric shock on account of switching on of the switch by the petitioner and ultimately both of his arms had to be amputated.
3. The learned counsel for the petitioner has submitted that it is a case of sheer accident in which at best some negligence may be attributed to the petitioner and that there was no intention whatsoever for causing any injury to

Jaswinder Singh, Lineman. The learned counsel for the petitioner has submitted that while two poles on which the electricity switch of 11 kv Nagiana feeder is installed are situated on the fields in possession of the petitioner, the repair work was being undertaken about 1.5 kilometers away from that place and that the petitioner had no clue regarding such repair being undertaken and that upon finding that there was no electricity and the switch had been turned off, he turned on the switch as the said switch at times trips down. It has further been submitted that there was no official of the Electricity Department present near the place where the said switch is installed who could have informed or warned the petitioner about such repairs being undertaken and it was account of said omission on part of the Electricity Department that the accident had taken place. The learned counsel for the petitioner has further submitted that the petitioner is aged about 70 years.

4. Opposing the petition, the learned State counsel has submitted that it was an intentional act on part of the petitioner as he was enraged on account of there being no electricity in his fields and had intentionally switched on the electricity supply causing harm to Jaswinder Singh, Lineman which resulted in amputation of both of his arms. The learned State counsel has, however, informed that challan already stands presented and there is one other case registered under the NDPS Act against the petitioner.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it would be debatable as to whether it was an intentional act on part of the petitioner in switching on the electricity supply or as to whether it is a case of sheer

negligence. In any case, since the petitioner, who is aged about 70 years, has already been behind bars since the last about 3 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.10.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No