

CRM-M-33963 of 2019 (O&M)

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

CRM-M-33963 of 2019 (O&M)

Date of decision:17.01.2020

Manish Fozdar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. H.P.S.Ghuman, Advocate, for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Pawan Girdhar, Advocate, for respondent No.2.

SUVIR SEHGAL, J.

CRM No.1812 of 2020

Prayer is for placing on record the Pendrive.

Prayer is allowed. Pendrive is taken on record.

CRM-M-33963 of 2019

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.13898 dated 31.10.2017 (Annexure P-8) registered at Police Station-I, P.S.Rewari, under Section 135 of the Electricity Act, 2003 and for modification of order dated 09.08.2019 (Annexure P-15) by deleting the condition of deposit of 50% of the total amount of penalty.

Learned counsel for the petitioner has submitted that the petitioner has been granted bail by the Court of Additional Sessions Judge, Panipat on 09.08.2019 and while granting the bail, the Court has ordered as under:-

“In the facts and circumstances of the present case, the custodial interrogation of petitioner is not required and therefore, petitioner is granted anticipatory bail subject to the condition that he would deposit 50% of the total amount of penalty upto 19.08.2019 and this amount would be adjusted at the time of final disposal of the case. Accordingly, present application for anticipatory bail is allowed. Petitioner shall join the investigation as and when required by the investigating agency. In the event of his arrest, petitioner shall be released on bail on furnishing requisite bail bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall comply with the conditions as envisaged in Section 438(2) Cr.P.C. File be consigned to record room after due compliance.”

Learned counsel for the petitioner has further submitted that besides fixing the furnishing bail bonds to the satisfaction of Arresting Officer/Investigating Officer, the Court had also subjected the bail to payment of 50% of the total amount of penalty which he had separately challenged.

On the other hand, learned State counsel as well as counsel for respondent No.2 have contested the application on the ground that the petitioner was found indulging in theft of electricity and assessment charges of ₹6,01,123/- has been worked out on the basis of the loss suffered by the Electricity Department which the petitioner is liable to deposit. For this

purpose, he has referred to Memo No.N11/2017/866 dated 31.10.2017 issued by the Dakshin Haryana Bijli Vitran Nigam Limited, a copy of which has been placed on record by learned counsel for respondent No.2.

Heard.

Vide memo dated 31.10.2017, the Electricity Department had worked out the assessment charges of ₹6,01,123/- on account of theft of electricity. The petitioner is disputing his liability to pay the assessment charges and has challenged the same in separate proceedings. So at this stage imposing a condition, whereby the petitioner is forced to deposit half of assessment charges for grant of bail is not appropriate. Memo dated 31.10.2017, gives an option to the petitioner to get the offence compounded on deposit of ₹30,000/-. Therefore, instead of deposit of assessment charges, a condition can be imposed for deposit of compounding charges.

In view of the above, the order dated 09.08.2019 passed by the learned Additional Sessions Judge, Narnaul is modified instead of payment of 50% of penalty amount, the petitioner will deposit compounding charges of ₹30,000/- as a condition for grant of bail in addition to furnishing of bail bonds to the satisfaction of Arresting Officer/Investigating Officer.

Ordered accordingly.

Petition stands disposed of with the above modification.

January 17, 2020
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No