

CRM-M-44607-2019

Date of decision: 13.01.2020

KULDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Gill, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

VIVEK PURI, J. (ORAL)

Present petition under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 1320 dated 23.11.2018, registered under Section(s) 135 of Electricity Act, 2003 at Police Station Anti Power Theft, Ludhiana, District Ludhiana.

Amarjit Singh, Lineman-cum-SDC and Kewal Singh, AAE put in appearance on behalf of PSPCL. A copy of the Identity Card pertaining to Sh. Amarjit Singh has been placed on record.

On 18.10.2019, following order was passed.

“Learned counsel for the petitioner submits that even as per the FIR (which he submits should have been lodged within 24 hours of any discovery of any theft as per sub section (1-A) of Section 135 of the Electricity Act, 2003), the amount for the alleged theft of electricity shown is Rs.28,722/-, with compounding charges of Rs.18,000/-, which the petitioner is willing to pay and has in fact approached the authorities for payment many times (as contended), but with

them stating that the said amount is actually Rs.2,80,000/- plus.

Notice of motion, returnable on 21.11.2019.

In the meanwhile, till the next date of hearing only, upon the petitioner joining investigation and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

On the next date of hearing, a cheque of a total amount of Rs.46,722/- in favour of the PSPCL, be brought to Court by the petitioner”.

The cheque bearing No. 120751 dated 20.11.2019 in favour of PSPCL issued by the petitioner for Rs. 46,722/- has been handed over by the learned counsel for the petitioner to Kewal Singh, AAE and Amarjit Singh, Lineman-cum-SDC.

It has been stated by the learned counsel for the petitioner that he has joined investigation in pursuance of the interim directions issued by this Court on 18.10.2019.

Learned State counsel on instructions from HC Lakhbir Singh has stated that he has not disputed the aforestated position.

In any case, since the petitioner is stated to have joined investigation, this Court finds that it is not a case, which would warrant custodial interrogation.

The petition is allowed and the interim directions issued by this Court vide order

dated 18.10.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

13.01.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No