

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

274

CRM-M-55750-2019

Date of decision : 13th January, 2020

RINKU

.....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Mohit, Advocate
for the petitioner.

Mr. Ram Kumar Singla, AAG, Haryana.

SUVIR SEHGAL, J (ORAL)

It has been reported by the office that the case number in the order dated 01.01.2020 has been mentioned as CRWP - 55750-2019 instead of CRM-M- 55750-2019.

The mistake appears to be typographical and inadvertent. According, the number of the case in the order dated 01.01.2020 be read as CRM-M- -55750-2019 instead of CRWP -55750-2019.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for setting aside the order dated 14.12.2019 (Annexure P-2) passed by Additional Sessions Judge, Panipat in FIR No. 9613 dated 23.09.2017 registered at Police Station-I & P, PS Karnal, under Sections 135 and 151 of the Indian Electricity (Supply) Act 2003.

Learned counsel for the petitioner has submitted that the petitioner has been granted bail by the Court of Additional Sessions Judge, Panipat on 14.12.2019 and while granting the bail, the Court has ordered as under:-

“In theses circumstances, it would be just and proper if the application of the applicant is allowed subject to furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount and also subject to paying the assessment charge of Rs.77,825/-.”

Learned counsel for the petitioner further submits that besides fixing the bail bonds in the sum of ₹ 50,000/- (Rupees fifty thousand only) with one surety the Court had also subjected the bail to payment of assessment charges of ₹ 77,825/- which he had separately challenged.

On the other hand, learned State counsel has contested the application on the ground that the petitioner was found indulging in theft of electricity and assessment charges of ₹ 77,825/- has been worked out on the basis of the loss suffered by the Electricity Department which the petitioner is liable to deposit the same.

Heard.

Vide memo dated 15.09.2017, the Electricity Department had worked out the assessment charges of ₹ 77,825/- 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 the entire amount of assessment charges for grant of bail is not proper. Memo dated 15.09.2017, gives an option to the petitioner to get the offence

compounded on deposit of ₹ 15,000/-. 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 14.12.2019 passed by the learned Additional Sessions Judge, Panipat is modified instead of payment of assessment charges of ₹ 77,825/- the petitioner will deposit compounding charge of ₹ 15,000/- as a condition for grant of bail in addition to furnishing of bail bonds in the sum of ₹50,000/- with one surety in the like amount.

Ordered accordingly.

Petition stands disposed of.

(SUVIR SEHGAL)
JUDGE

13.01.2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No