

221

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

**CRM-M No.9991 of 2021
Date of Decision: 18.03.2021**

NARENDER

.....Petitioner

Vs

**STATE OF HARYANA THROUGH SENIOR
SUPERINTENDENT OF POLICE JIND**

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0227 dated 06.10.2020, registered under Section 136 of the Electricity Act, 2003 and under Section 411 IPC at Police Station Julana, Jind.

The allegations are of theft of coils from transformer.

The FIR was registered by Mahender Singh with the allegations

that he has an electricity connection in his fields, where the transformer has also been installed. On 01.10.2020. when he went to his farm, he found the coils of transformer stolen. He also found that coils of the transformer of his neighbour were also stolen. The FIR was registered with these allegations.

On 27.10.2020, Sandeep, Vikas and Jai Bhagwan were arrested and stolen coils were recovered from their possession. On their instance, the petitioner was also arrested. In the disclosure statements, the accused have admitted that they had sold the stolen coils of transformer to co-accused Tilak, who is a scrap dealer for Rs.25,000/-. The Police has also recovered three coils of transformer from the shop of the scrap dealer after his arrest.

Regular bail has been declined to the petitioner by the trial Court primarily on the ground that the petitioner has antecedent history of criminal cases. The reference of cases has been made in para No.7 of the order passed by the Addl. Sessions Judge, Jind.

Learned counsel for the petitioner submitted that the aforesaid cases were registered prior to registration of present case. After registration of present case, the petitioner has been named in those earlier cases on the basis of disclosure statements. This exercise is the result of evil design of the

Police as no recoveries have been effected from the petitioner in those earlier cases. Petitioner is in custody since 27.10.2020. Challan has been presented, but charges have not been framed yet.

Learned State counsel however opposed the bail on the ground that the petitioner is involved in number of cases. Factual position of the case is not in dispute. The petitioner has been nominated as an accused in earlier lodged FIRs on the basis of disclosure statements. In the present case also, the petitioner has been nominated on the basis of disclosure statement of co-accused Vikas. Thereafter, disclosure statements of all the four accused persons were recorded, wherein they have admitted that the coils of the transformer were sold to Tilak, who is a scrap dealer for a consideration of Rs.25,000/-. On the basis of aforesaid, the complicity of the petitioner would remain debatable.

Keeping in view the stage of trial, nature of offence and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 18, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No