

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11135-2021

Date of decision:24.11.2021

MANJIT KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.858 of 06.11.2020, constitutes therein offences under Sections 135 of Electricity Act, 2003, and, is lodged at Police Station Anti Power Theft, Bathinda therein the incriminating offence is attributed to be committed by the bail applicant.

2. Through an order made by this Court on 10.03.2021 interim bail was granted to the petitioner. The learned counsel for the petitioner, has argued before this Court, that the allegations contained in the FIR supra, are devoid of merit, as with respect to similar allegations, the District Consumer Disputes Redressal Forum, Bathinda rather granted relief of restoration of electricity connection, by the Punjab State Power Corporation Limited, to the premises of the petitioner. However, the afore made submission is not *prima-facie*, at this stage rather acceptable to this Court, as it appears that it has been made, without the learned counsel, for the petitioner satisfying the

petitioner satisfying the judicial conscience of this Court, that the order supra, as embodied in Annexure P-3 rather appertains to a similar cause of action or is with respect to allegations similar to the allegations carried in the FIR supra.

3. It is also submitted by the learned State counsel, that the monetary value of the theft of electricity units, allegedly committed by the bail applicant, is about Rs.2.50 lacs. Even though, restoration of electricity to the premises concerned, has been ordered by the District Consumer Disputes Redressal Forum, Bathinda, yet when as afore stated, it does not appertain to the allegations as carried in the FIR supra. Therefore, it has no exculpatory effect, rather it is open to the Punjab State Corporation Limited, for recovering the afore monetary value of electricity units, as allegedly stolen by the petitioner, to adopt the procedure contemplated in the Electricity Act, 2003.

4. In view of the afore, the order previously made by this Court on 10.03.2021 granting interim bail is made absolute, however, subject to her abiding by the conditions enumerated under Section 438(2) of the Cr.P.C., and, also subject to her furnishing personal and surety bonds in the sum of Rs. 25,000/- each, to the satisfaction of Arresting Officer concerned.

5. Disposed of.

(SURESHWAR THAKUR)
JUDGE

24.11.2021

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Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No