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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.11832 of 2021 (O&M)

Date of decision: 19.07.2021

Kuldeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Dhanora, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM-18847-2021

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the main case is taken up today for hearing.

CRM-M-11832-2021

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.207 dated 14.07.2020, for offence punishable
under Sections 409, 420, 427, 467, 468, 471, 120-B of the Indian Penal
Code, 1860 (in short 'IPC'), 13 of the Prevention of Corruption Act,
Section 66-D of the Information Technology (Amendment) Act, 2008,
registered at Police Station Sector 56, Gurugram, District Gurugram.

Counsel for the petitioner has submitted that 02 of the co-

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accused of the petitioner namely Parveen Kumar and Devender @ Dev Chahal, have already been granted the concession of regular bail vide order dated 05.02.2021 and 16.02.2021. The operative part of the said order dated 16.02.2021, reads as under:-

“Counsel for the petitioner has further submitted that the petitioner not an employee of DHBVNL and he has no concern with the main accused Pawan Kumar, Lineman. It is further submitted that the allegation in the FIR that he has altered the readings of the meter are incorrect as none can access the I.D. of the Sub-Divisional Engineer, who himself is not arrayed as an accused and in order to alter the readings of the meter, the same can only be done after using the I.D. of the Sub-Divisional Engineer. Lastly, it is submitted that the petitioner is in custody since 22.08.2020; challan stands presented and the petitioner is not involved in any other case.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that the primary allegations of accepting the money are against Pawan Kumar, who is an employee of DHBVNL whereas the petitioner is not an employee of the said company and his name surfaced during the investigation on the basis of the disclosure statement made by the co-accused Parveen Kumar, who has already been granted the concession of regular bail.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has submitted that the allegations against the petitioner are that he has helped the main accused Pawan Kumar, Lineman in changing or making some fabrication in the record by using computer and helped Pawan Kumar, in alteration of the electric meter readings. It is further submitted that

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the petitioner is in custody for the last 10 months and 26 days and is not involved in any other case and was nominated in the case on the disclosure statement of the aforesaid Pawan Kumar.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 10 months and 26 days; the co-accused of the petitioner are already released on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

19.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No