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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16005 of 2021

Date of Decision: 26.08.2021

Davinder Kumar

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

Notice of motion was issued on 09.04.2021 by passing the following order :-

"The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; he is not involved in any other criminal case; the allegations against the petitioner are that in spite of the fact that between the years 2015 and 2018 his electricity connection had been disconnected, he, through illegal means, continued to consume electric energy through the installed electricity meter; in

the light of the afore allegations the Electricity Board could have easily calculated the electricity units consumed by the petitioner through the installed meter and demanded charges for such consumption in terms of Section 126(5) of the Electricity Act, 2003; to show his bonafide the petitioner is ready and willing to deposit with the Trial Court 50% of the demanded amount and that is also ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr.Kirpal Singh Thakur, AAG, Haryana, accepts notice on behalf of the respondent and prays for time to argue the matter.

Adjourned to 06.08.2021.

Subject to the petitioner depositing 50% of the demanded amount within one month from today and joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.1904 dated 29.06.2020, registered under Sections 135/151 of the Electricity Act, 2003, at Police Station Irrigation & Power, Karnal, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

In case, the petitioner makes the aforesaid deposit before the Trial Court, the same be disbursed to the complainant against security with a further direction that such deposit shall abide by the final order to be passed in the petitioner's trial.

Evidently, the aforesaid order was passed on the basis of readiness and willingness of the petitioner to deposit 50% of the demanded amount in order to show his bona fide. Thereafter, one more indulgence was granted to the petitioner vide order dated 06.08.2021 on the ground that the daughter of the petitioner was found to be infected with Corona Virus and the petitioner could not arrange the funds to deposit the same in compliance of order dated 09.04.2021. The case was adjourned for today and the interim order was made to continue till today.

Today learned counsel for the petitioner submits that the petitioner is not in a position to deposit aforesaid 50% of the demanded amount.

It appears that the petitioner has enjoyed the interim direction since 09.04.2021 without there being any real intention to honour the commitment. A person who has not come to the Court with clean hands does not deserve any equitable relief.

This petition is dismissed with cost(s) of Rs.20,000/-. The cost(s) shall be deposited by the petitioner with the District Legal Services Authority concerned within a period of fifteen days, failing which the same shall be recovered as arrears of land revenue.

(RAJ MOHAN SINGH)
JUDGE

26.08.2021
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Whether speaking/reasoned	Yes/No
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