

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

CRM-M-18568-2020 (O&M)

Date of decision: 21.01.2021

Ajay Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Gulzar Mohd., Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. Parminder Singh, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Ajay Kumar, an accused in FIR No.293 dated 07.03.2020, for offences under Sections 136 and 137 of the Electricity Act, 2003, registered with Police Station Anti Power Theft, Punjab State Power Corporation Ltd. (for short 'PSPCL'), Shakti Sadan, District Jalandhar.

In nutshell, prosecution story is that Assistant Executive Engineer, PSPCL, T-3, Mai Hiran Gate, Maqsudan, Jalandhar submitted a written complaint to the police informing that a written complaint had been submitted in his office by some respectable persons of the locality that some person had tampered with the

electricity meter of Gurudwara Sahib, Bath Singh Sabha, Mohalla Ajit Nagar, Jalandhar and on enquiry, it came out that one Ajay Gandhi had in fact changed the electricity meter, therefore, necessary action be taken in the matter. On the basis of such written complaint, formal FIR was registered. The investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Jalandhar by moving application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Jalandhar, who vide order dated 17.06.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious of changing of electricity meter with another meter installed by PSPCL with a mala fide intention. Some complaints in that regard moved by one Geeta, Prince and Prince Raj had also been received by the complainant. The petitioner was given an opportunity to join the investigation by granting him interim bail but he did not render cooperation with the investigating officer and had not got recovered the original electricity meter belonging to PSPCL, which had been replaced by him with another electricity meter. During the investigation, it was observed that he had indulged in similar acts at

various other places and had charged money from people by impersonating himself as an official of PSPCL. It transpired that he had taken Rs.12,500/- from Geeta, Rs.10,000/- from Prince and Rs.10,000/- from Prince Raj and changed their electricity meters. His custodial interrogation is necessary to effect the recovery of meters so changed by him as well as money charged by him from various affected persons. In case, it is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for. The petitioner is stated to be involved in another similar criminal case with several complaints of change of meter for consideration having been received in office of the complainant. Under the circumstances, no case for grant of pre-arrest bail is made out. The petition is found to be without any merit and is dismissed accordingly.

21.01.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No