

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-34485 of 2021
Date of Decision : 10.11.2021

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Siwach, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 of the Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.10792 dated 22.09.2017 registered under Section 135 of the Electricity Act, 2003 at Police Station I & P, District Hisar.

Learned counsel for the petitioner argues that the petitioner is not guilty of the allegations alleged against him in the FIR and further that the allegations have been alleged without verifying the same from the Electricity department.

At the time of arguments before this Court, learned counsel for the petitioner submitted that the petitioner is ready to deposit the amount being claimed from him to show his bonafide and, hence, the petitioner be extended the concession of anticipatory bail.

On 24.08.2021, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.10792 dated 22.09.2017 registered under Section 135 of the Electricity Act, 2003 at Police Station I & P, District Hisar.

Learned counsel for the petitioner submits that the petitioner is ready to deposit the disputed amount of Rs.3,07,641/- and is also ready to join and cooperate in the investigation, therefore, the petitioner be granted the benefit of anticipatory bail.

Notice of motion for 08.11.2021.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the present FIR was registered in September, 2017 and in the last 04 years, the petitioner has not taken any action for depositing the amount as assessed against him.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner has undertaken before this Court to deposit the assessed amount of Rs.3,07,641/-, no useful purpose will be served by sending the petitioner behind the bars, especially, when learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation. Hence, the petitioner has made out a case for the grant of benefit of anticipatory bail. It is made clear that at the time of joining the investigation, the petitioner will produce before the police authority, the proof with regard to tendering the amount in question before the authority concerned.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

On the adjourned date, no one appeared on behalf of the

petitioner and the learned State counsel informed this Court that there are other cases registered against the petitioner, wherein, he is evading the law and further that even in pursuance to order dated 24.08.2021 passed by this Court, whereby, the petitioner has been extended the benefit of interim bail, the petitioner has neither joined investigation nor has paid the amount in question as undertaken by him before this Court.

Today, learned counsel for the petitioner submits that the petitioner does not have the sufficient amount as undertaken to deposit being claimed by the Electricity Department as recorded in the FIR. Learned counsel for the petitioner on being asked, as to why, the factum of registration of other cases against the petitioner has not been disclosed before this Court, learned counsel for the petitioner pleads ignorance by stating that he was not imparted any instructions by his client to the said effect, hence, this Court was not informed about the pendency of the other cases against the petitioner, wherein, he is also a defaulter and is evading process of law.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner is a habitual offender and is also involved in other cases, which fact is not disputed by the learned counsel for the petitioner. Furthermore, the petitioner tried to mislead this Court and in fact got an order of interim bail in his favour by giving an undertaking, which undoubtedly the petitioner knew that he will not be able to fulfill. This shows the conduct of the petitioner. The discretionary relief cannot be exercised in favour of the person, who does not come to the Court with clean hands and tries to mislead the Court. Furthermore, the petitioner is a

habitual offender and is required in numbers of other cases, wherein he is still evading process of law. The undertaking given by the petitioner before this Court on 24.08.2021 while securing interim bail has not been fulfilled by him and the petitioner has also not joined the investigation so as to cooperate.

In view of the above, no ground is made out to allow the benefit of anticipatory bail to the petitioner.

Dismissed.

November 10, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No