

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

Sr. No.207

CRM-M-35226 of 2021

Date of Decision: 16.11.2021

HARISH KUMAR SOOD

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.1394 dated 10.08.2021 under Section 135 of Electricity Act, 2003, registered at Police Station Anti Power Theft, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a coordinate Bench of this Court dated 27.08.2021. Order dated 27.08.2021 is as under:-

“ Prayer is for grant of anticipatory bail in case FIR No.1394 dated 10.08.2021 under Section 135 of Electricity Act, 2003 registered at Police Station Anti Power Theft, District Bathinda.

As per allegations in the FIR, on 06.08.2021, staff of the P.S.P.C.L conducted checking of electric connection bearing No.3007487220 registered in the name of the petitioner at village Kotla, Talwandi Bhai. However, it was found that the connection was being used by Harmaneet Singh. Electricity

Staff noticed that the electric meter was not working as the consumer was getting electricity directly from the main transformer by bye-passing the meter. The consumer is alleged to have committed theft of electricity. Checking memo was prepared and notice dated 06.08.2021 was issued calling upon the petitioner to deposit a sum of Rs.51,45,491/- besides compounding fee of Rs.4,00,000/-.

Learned counsel for the petitioner contends that the petitioner had already sold the premises in question to Harmaneet Singh vide registered sale deed dated 05.02.2020. Harmaneet Singh had applied for electric connection in his name on 07.06.2021 vide receipt (P.2) and thus, the petitioner cannot be held liable for any misuse or theft of electricity.

Notice of motion for 16.11.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.

On the oral request of learned counsel for the petitioner, Punjab State Power Corporation Limited is impleaded as respondent No.2 being necessary party.

Amended memo of parties be filed on or before the next date of hearing.”

Learned State counsel, on instructions from SI Iqbal Singh, states that in terms of the order of the coordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 27.08.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated

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under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

16.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No