

CRM-M-36311-2021

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

(229)

CRM-M-36311-2021.
Date of Decision:-29.10.2021.

Pargat Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kawalpreet Singh Virk, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.191 dated 11.06.2021 under Sections 136/137/138 of the Electricity Act, 2003, registered at Police Station Safidon, District Jind.

On 03.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.191 dated 11.06.2021 registered under Sections 136, 137 and 138 of

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the Electricity Act, 2003 at Police Station Safidon, District Jind.

Learned counsel contends that the petitioner has in fact been duped as he paid money for installation of Metro connection and also gave representations (i.e. Annexures P1, P2 and P3) against the contractor and other officials of the Department in the months of August, 2020, November 2020 as well as June 2021, that despite having charged money, electricity supply was not being made from the metro line. Learned counsel contends that the Department officials are hand in glove and have falsely implicated the petitioner.

Notice of motion.

Mr. Rohit Arya, learned DAG Haryana accepts notice and requests for time to obtain instructions and to file reply.

Reply on behalf of the respondent indicating whether complaints Annexures P1, P2 and P3 were received from the petitioner, how the same were processed and what action was taken and if no action was taken, the reasons thereof.

Adjourned to 15.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to

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the petitioner, shall stand vacated.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Hari Kishan, has submitted that the petitioner has joined the investigation.

Keeping in view the above facts and circumstances, moreso, the fact that the petitioner has already joined the investigation in pursuance of the order dated 03.09.2021, the present petition for grant of anticipatory bail is allowed and the interim order dated 03.09.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 29, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No