

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M-31879-2020 (O&M)
Date of decision: 22.01.2021

Pawan Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Aditya Jain, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

CRM-29919-2020

For the reasons given therein, application is allowed.

Order dated 15.07.2020 is taken on record as Annexure P-2.

Main case

Instant petition has been filed under Section 439 of Cr.P.C. seeking regular bail in case FIR No.7, dated 24.11.2018 registered under Sections 409, 420, 120-B of IPC, at Police Station Urban Estate, Hisar.

Counsel for the petitioner has urged that the petitioner, who is 57 years of age, has been falsely implicated. He was working as a

Consumer Assistant with Dakshin Haryana Bijli Vitran Nigam (for short 'Nigam'). The allegation against the petitioner is that during the course of audit in June, 2018, he was found to have committed certain irregularities and he was suspended from service on 28.08.2018. According to the counsel, an official SIM had been issued to the petitioner, which he had surrendered on 21.08.2018, but it is alleged that instead, he misused it by getting the system generated OTP and passed on financial benefit of Rs.36,55,000/- to six different consumers by raising lower electricity consumption charges. Counsel submits that there is no financial loss to the Nigam inasmuch as the alleged charges have been deposited back by the said consumers. Still further, he submits that a departmental inquiry has been initiated against the petitioner and pending inquiry, he has been reinstated vide order dated 15.07.2020, Annexure P-2. Counsel asserts that the petitioner was arrested on 18.08.2020, investigation is complete, challan has been filed and he is no longer required for custodial interrogation.

Per contra, State counsel upon instructions from ASI Sarjudeen has opposed the petition. He has submitted that the petitioner was responsible for verification of the bills before being issued to the consumers. During the suspension period, before surrendering the official SIM, he ported it to another SIM and misused the OTPs for passing financial benefits to some consumers. As per his instructions, the petitioner was involved in another FIR lodged against him under Section 409 of IPC, though he stands acquitted.

I have considered the rival submissions of the parties.

As to whether the petitioner had misused the official SIM to cause any financial loss to the Nigam is debatable.

Keeping in view the nature of allegation, gravity of offence, period of incarceration of the petitioner and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

22.01.2021

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No