

CRM-M-38710-2021

Date of Decision:08.11.2021

Mohd. Ali

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conferencing.

On 17.09.2021, the following order had been passed by this court:-

“Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.2563, dated 18.03.2021, having been registered at Police Station Irrigation and Power Department, District Faridabad, alleging therein the commission of offences punishable under Sections 135/151 of the Electricity Act, 2003.

Learned counsel for the petitioner submits that the petitioner has since deposited 40% of the outstanding against him in terms of the order of the learned Addl. Sessions Judge, Faridabad, dated July 30, 2021, and would produce a receipt to that effect before the investigating officer.

He further submits that the petitioner is 70 years old.

Notice of motion, with Mr. Neeraj Poswal, learned AAG, Haryana, accepting notice on behalf of the respondent-State, on the asking of the court.

Adjourned to 08.11.2021.

In the meanwhile, the petitioner would appear before the learned Illaqa Magistrate within one week from today, with the learned Magistrate to thereafter summon the investigating officer and ensure that the petitioner is joined in the investigation upon petitioner producing before the learned Illaqa Magistrate a receipt showing the deposit of 40% of the total amount of Rs.47058/-, in terms of the order of the learned Addl. Sessions Judge, Faridabad, dated July 30, 2021. Thereafter, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa

Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If he does not produce a receipt showing the deposit of the said amount, this order would be deemed to have not been passed and he shall not be admitted to interim bail.

Learned State counsel would also take instructions as to whether the petitioner is actually 70 years old, because if he is far less than that age, he would also be required to deposit costs for wasting time of the court in Faridabad, after he was admitted to interim bail by that court on July 30, 2021.”

In the meanwhile, a reply dated 28.10.2021, has been filed by the DSP, Vigilance, HPUs, Faridabad, on behalf of the respondent State, which is ordered to be taken on record.

As per paragraph 6 of the said reply, the petitioner has since deposited 40% of the total amount due from him (as per the electricity corporation) and in fact the SDO (OP), Sub Division DHBVN, Pali, Ballabhgarh, Faridabad, has also requested for withdrawal of the present FIR after the depositing of the full amount by the petitioner.

That being so, without making any comment on the actual merits of the case, this petition is disposed of, with the order dated 17.09.2021, admitting the petitioner to interim bail, made absolute, on the same terms and conditions.

November 08, 2021

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**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO