

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

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**CRM-M-39597-2021 (O&M)
Date of Decision 28.09.2021**

FARUKH KHAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI.

Present: Mr. Man Mohan, Advocate for the petitioner.

Mr. R.S. Arya, Addl. A.G. Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case FIR No.111 dated 23.06.2020, under Section 136 of the Electricity Act, 2006, registered at Police Station Babain, District Kurukshetra.

As per the allegations contained in the FIR, which was lodged by the Sub Divisional Officer, OP, UHBVNL, Sub-Station Pipli, Kurukshetra by alleging that there has been a theft of transformer on 19.06.2020 midnight, in which the transformer of the capacity of 20 KVA alongwith copper coils has been stolen by some miscreants.

The learned counsel for the petitioner has submitted that the petitioner is in custody since 04.02.2021 and the investigation of the case is complete and the challan has already been presented on 02.04.2021 and since the petitioner was nominated on the basis of disclosure statement, he may be considered for the grant of regular bail. He further submitted that no useful purpose will be served in case the petitioner is kept in custody for longer time.

On the other hand, Mr. Arya, learned Addl. A.G. Haryana has submitted that although the challan has been presented in the present case but the gravity and magnitude of the case would disentitle the petitioner for getting the concession of regular bail. He submitted that it is a case where the theft of transformer and copper coils has been made which belonged to the Electricity Department and loss has been caused to the State exchequer. He further submitted that the petitioner is involved in 33 more cases of similar nature where theft of such kind of material belonging to the Electricity Department was made by the petitioner. He submitted that although the petitioner is on bail in some of the FIRs but considering the number of cases in which the petitioner is involved and the nature of the offence alleged, the petitioner is not entitled for the grant of regular bail. He further submitted that recovery has been made from him on the basis of his disclosure statement and the car from where the stolen material was recovered belongs to the petitioner. He has submitted that considering the antecedents of the petitioner and the fact that the petitioner belongs to Rajasthan, in case he is released on bail, there is every likelihood that he may abscond and may even tamper with the evidence or influence the witnesses. He further submitted that in the present case, the charges have not been framed against the petitioner and no prosecution witness has been examined till date.

I have heard the learned counsels for the parties.

Considering the submissions made by the learned counsels for the parties and the fact that the petitioner is involved in 33 other cases of the similar kind where the transformers, copper coils etc. belonging to the Electricity Department were stolen coupled with the fact that there is a serious apprehension expressed by the learned State counsel that since the petitioner belongs to Rajasthan and he is involved in 33 more cases of similar nature,

there is every likelihood that he may abscond and flee from justice, this Court does not deem it fit and proper to release the petitioner on bail.

Consequently, the present petition is, hereby, dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and shall be meant only for the purpose of decision of the present petition.

Since the main case has been decided, the miscellaneous application(s), if any, also stands disposed of accordingly.

28.09.2021.

rajender

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No