

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.204

CRM-M-41108-2021 (O&M)

Date of decision: 16.12.2021

Rahul

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Talim Hussain, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.0250 dated 30.06.2021 registered under Section 136 of the Electricity Act, 2003 at Police Station Ferozpur Jhirka, District Nuh.

On October 01, 2021, this Court had passed the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner who is a young boy aged 24 years has been falsely implicated in this case; the petitioner is not named in the FIR; no recovery is required to be made from the petitioner; there is no evidence against the petitioner except an alleged statement of one villager to the complainant-SDO which is hearsay evidence and thus inadmissible without corroboration; there is no other criminal case pending against the petitioner; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the only allegation against the petitioner is that when he was seen cutting the electricity wires he fled from the spot without cutting them; the offence of which the petitioner is accused is

triable by the Magistrate and the maximum punishment that can be awarded therein is three years of custody and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Rahul Mohan, DAG, Haryana accepts notice on behalf of the respondent-State.

For arguments, adjourned to 13.12.2021.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No. 0250 dated 30.06.2021 registered under Section 136 of The Electricity Act, 2003 at Police Station Ferozpur Jhirka, district Nuh, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

In view of the above, the interim order of this Court dated 01.10.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

December 16, 2021

Jyoti 1

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No