

**CRM-M-41549-2021 (O&M)**

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

**CRM-M-41549-2021 (O&M).  
Decided on: November 25, 2021.**

**Aash Mohammad and another**

**.. Petitioners**

**VERSUS**

**State of Haryana**

**.. Respondent**

**\* \* \***

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

**\* \* \***

**PRESENT Mr.Gurinder Singh Goraya, Advocate,  
for the petitioners.**

**Mr.Ranvir Singh Arya, Addl. A.G. Haryana.**

**JASGURPREET SINGH PURI, J. (ORAL)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.111 dated 23.6.2020, under Section 136 of the Electricity Act, 2006, registered at Police Station Babain, District Kurukshetra.

The present FIR was lodged on the basis of statement of Sub Divisional Officer, OP, UHBVNL, Sub Station Pipli, Kurukshetra, by stating that there has been theft of transformer on 19.6.2020 midnight, in which the transformer of the capacity of 20 KVA along with copper coils has been stolen by some miscreants.

Learned counsel for petitioners has submitted that the petitioners are in custody since 12.2.2021 and after completion of investigation, challan has been presented on 2.11.2021. He submitted that names of the petitioners were nominated on the basis of disclosure statement and considering the custody period of the petitioners, they may be considered for the grant of regular bail.

On the other hand, learned State counsel has vehemently opposed the grant of regular bail to the petitioners. He submitted that similarly situated co-accused namely Farukh Khan had filed a petition for regular bail bearing number CRM-M-39597-2021, which was dismissed by way of a detailed order dated 28.9.2021 passed by this Court. He submitted that four accused had filed bail application before the learned trial Court and the learned Additional Sessions Judge cum Judge, special Court, Kurukshetra, dismissed the bail application of all the four accused by way of a common order and out of these four accused, two are the present petitioners and regarding 3<sup>rd</sup> aforesaid accused namely Farukh Khan this Court had dismissed the bail application by passing a detailed order. He further submitted that it is a case which involves large magnitude and gravity because there has been theft of transformers and cooper coils which belonged to the Electricity Department and loss has been caused to the State Exchequer. He further submitted that petitioners are dis-entitled from the grant of regular bail on the ground that they are involved in 31 cases of similar nature where theft of such kind of material i.e. transformers and copper coils belonging to Electricity Department was committed by the petitioners. He submitted that the petitioners are member of the gang which is being operated in the area and

they have adopted same kind of modus operandi for committing thefts of similar nature and therefore, the petitioners are not entitled for the grant of regular bail. He further submitted that taking into consideration the antecedents of the petitioners and especially in view of the fact that both the petitioners belong to Rajasthan and in case they are released on bail there is every likelihood that they may abscond and or may tamper with evidence or may influence the witnesses, the petition be dismissed. He submitted that now charges have been framed and the matter is fixed for prosecution evidence and no prosecution witness has been examined as yet and therefore, he has opposed the grant of bail.

I have heard the learned counsel for the parties.

The petitioners are stated to be involved in 31 other cases of similar nature where the theft of electricity transformers and copper coils was committed. Another co-accused Farukh Khan who is on parity with the petitioners had filed a petition which has been dismissed by this Court vide order dated 28.9.2021, passed in CRM-M-39597-2021. Both the petitioners belong to Rajasthan and considering the antecedents of the petitioners, there is weight in the argument of the learned State counsel that there is every likelihood that they may abscond and may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I do not deem it fit and proper to grant regular bail to the petitioners. Accordingly, the present petition is hereby dismissed.

**November 25, 2021.**  
**raj arora**

**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                                    |                 |
|------------------------------------|-----------------|
| <b>Whether speaking / reasoned</b> | <b>Yes / No</b> |
| <b>Whether reportable</b>          | <b>Yes / No</b> |