

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

CRM-M-42163-2020

Date of decision : 08.01.2021

RAJU

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gurmail Singh Duhan, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana. .

ALKA SARIN, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.256 dated 08.09.2020 under Sections 379 and 411 of the Indian Penal Code, 1860 and Section 136 of the Electricity Act, 2003, registered at Police Station Sadar, District Kaithal.

Learned counsel for the petitioner has contended that as per the allegations in the present FIR, on 07.09.2020 an application memo No.5244 dated 07.09.2020 was received from one Mr. Manoj Kundi, Sub Divisional Officer, Uttar Haryana Bijli Vitran Nigam Limited, Kaithal at Police Station Sadar Thana Kaithal stating therein that Area Incharge, Vinod Kumar, JE had intimated that some unknown person had stolen the oil from transformer of 63 KVA T/FSOP situated at Village Diwal on 05.09.2020. On the basis of the said complaint the present FIR had been registered. The petitioner was nominated on the basis of the disclosure statement of the co-accused Ajaib Singh and Sucha Singh. Learned

counsel for the petitioner further contends that the petitioner has falsely been implicated in the case on the basis disclosure statement of the co-accused.

The learned counsel has referred to the order passed in CRM-M-37007-2020 dated 18.11.2020 whereby the petitioner therein was granted regular bail in FIR No.203 dated 23.09.2020 under Section 379 IPC and Sections 136 and 137 of the Electricity Act, 2003, registered at Police Station, Siwan, District Kaithal to contend that even in the earlier case in which the petitioner has been granted bail, the recovery shown was 30 liters of transformer oil and an amount of Rs.6,000/-. He further contends that no further recovery has to be effected from the petitioner and that the petitioner is custody since 19.11.2020 and that the challan has been presented in the present case.

Learned State counsel on instructions from SI Ramesh Chander is not in a position to deny that even in the earlier case the recovery was same i.e. 30 liters of transformer oil and an amount of Rs.6,000/-. He further contends that there are three other cases pending against the petitioner; out of these cases, he has already been granted bail in two cases.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and bearing in mind the custody period and the fact that challan has already been presented and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic, no useful purpose would be served by keeping the

petitioner behind the bars any further. In view of this, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 08, 2021

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**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**