

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.202

CRM-M No.44364 of 2020

Date of Decision: 12th July, 2021.

Rajbir

...Petitioner

Versus

State of Haryana & Another

...Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ram Kumar Saini, Advocate,
for the petitioner.

Mr. S.S.Pannu, DAG, Haryana.

Mr. Sunil Dhanda, Advocate, appearing for
Mr. Deepak Manchanda, Advocate,
for respondent No.2-Nigam.

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MEENAKSHI I. MEHTA, J. (ORAL)

Apprehending his arrest in the criminal case arising out of the FIR bearing No.3049 dated 22.09.2020 registered at Police Station I & P, Gurugram, under Sections 135, 138 and 150 of the Electricity Act, 2003, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

The allegations, in brief, as levelled against the petitioner in the subject FIR, are that on 16.09.2020, the officials of Dakshin Haryana Bijli Vitran Nigam Limited (here-in-after referred to as “Nigam”) checked his premises and found him indulging in the theft

of electricity and thereby his having caused the pecuniary loss, when computed as per the prescribed norms, to the tune of Rs.36,19,462/- to the respondent-Nigam.

Written reply on behalf of the respondent-Nigam has already been filed in this petition.

I have heard learned counsel for the petitioner, learned State counsel for respondent No.1 and Mr. Sunil Dhanda, Advocate, appearing for the respondent-Nigam, in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case at the instance of his brother-in-law who happens to be a retired official of the Vigilance Wing of the respondent-Nigam and his another relative, who is an ASI with the Haryana Police as they have been nurturing some grudge against him (petitioner) and therefore, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel and learned counsel appearing for the respondent-Nigam argue that this is the third occasion when the petitioner has been found involved in committing the theft of electricity and thereby, causing heavy loss to the respondent-Nigam and he has even failed to deposit the amount of Rs.5 lacs within the stipulated time, in compliance of the order dated 26.03.2021 passed by this Court while granting him the interim relief qua the stay of his arrest and hence, this petition deserves dismissal.

It is worthwhile to mention here that vide the said order dated 26.03.2021, the petitioner was directed by this Court to deposit a sum of Rs.5 lacs with the respondent-Nigam within the period of 10 days, to show his bona-fides but concededly, he failed to comply with the said direction within the afore-mentioned stipulated period.

Further, as specifically mentioned in para 2 of the written reply filed by the respondent-Nigam, the premises of the petitioner were checked by the officials of the respondent-Nigam on 19.11.2015 and again, on 26.04.2016 and on both the occasions, he was found committing the theft of electricity and two criminal cases were registered against him in respect thereof, meaning thereby that this is the third FIR lodged against him qua the same offence wherein he is alleged to have caused the monetary loss, amounting to Rs.36,19,462/-, to the respondent-Nigam.

Moreover, it has also been stated in para 5 of the written reply that the petitioner, his wife and two sons have also been booked in another criminal case registered at Police Station Bilaspur vide FIR No.422 dated 17.09.2020 under Sections 186, 332, 353 read with Section 34 IPC with the allegations of their having misbehaved and man-handled the checking team/staff of the respondent-Nigam.

To add to it, it has also been specifically mentioned in paras 3 and 4 of the written reply that vide the order dated 27.10.2020, the trial court had directed the petitioner to deposit 50% of the amount of penalty imposed upon him, within five days and

vide the order dated 15.12.2020 passed by learned Civil Judge in the civil suit filed by the petitioner, he was directed to deposit 75% of the total amount demanded by the respondent-Nigam but the petitioner has not deposited even a single penny in compliance of these orders.

Keeping in view all the afore-discussed facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory bail. Resultantly, this petition stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

12.07.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No