

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

**CRM-M-2549-2022 (O&M)
Date of decision: 23.03.2022**

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kamal Narula, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this 2nd petition, the petitioner seeks anticipatory bail in case bearing FIR No.1588 dated 07.09.2021, registered under Section 135 of Electricity Act, 2003, at Police Station APT, Bathinda, Punjab.

Learned counsel for the petitioner submits that no offence has been committed by the petitioner and that vide order dated 29.10.2021 passed by learned Additional Sessions Judge, Fazilka, the petitioner was granted *ad interim* anticipatory bail subject to the deposit of 50% of the fine and the compounding fee i.e. Rs.2,84,832/- + Rs.7,00,000/-. He further submits that the petitioner had already deposited the fine amount of Rs.2,84,832/- on 03.09.2021, but still, vide order dated 22.11.2021, the bail application of the petitioner was dismissed.

Learned counsel for the petitioner further submits that the petitioner is running a small shop and because of Covid-19 Pandemic, he was not able to pay the amount as directed by the learned Additional Sessions Judge, Fazilka and that the petitioner could also not approach the Punjab State Electricity Regulatory Authority to show his *bona fide*, in this regard.

On the other hand, learned State counsel vehemently opposes the prayer made by the petitioner and submits that the petitioner had deliberately not complied with the directions issued by the Additional Sessions Judge, Fazilka, while granting him ad-interim bail, vide order dated 29.10.2021.

I have heard the learned counsel for the parties.

The petitioner has taken a stand that he was not able to comply with the directions issued by the Additional Sessions Judge, Fazilka, due to Covid-19. This Court is of the opinion, that keeping in view the nature of offence, the petitioner is required to deposit the fine amount and the compounding fee. However, taking into consideration the hardships faced by the people, including the petitioner, during Covid-19 and in its aftermath, I am inclined to grant some respite to the petitioner regarding deposit of the fine amount.

In view of the above, the order dated 29.10.2021 passed by the learned Additional Sessions Judge, Fazilka is revived. However, the condition regarding deposit of 50% of the fine and compounding fee is reduced to 30%. Remaining conditions contained in the aforesaid order dated 29.10.2021 shall remain intact.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

23.03.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No