

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

Sr. No.105

CRM-M-3749 of 2022

Date of Decision:01.02.2022

Ram Verma

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

SANT PARKASH, J.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.717 dated 21.10.2020, registered under Section 135 of Electricity Act, 2003 at Police Station Anti Power Theft (APT), District Patiala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as his landlord got the instant FIR registered only in order to get his house vacated and the petitioner has not committed theft of any electric energy as alleged. He further contends that while granting interim bail vide order dated 04.01.2022, learned Additional Sessions Judge, Sangrur imposed the condition that subject to depositing 50% of the penalty amount of Rs.1,81,512/-, the petitioner shall be allowed to join the investigation. As the petitioner was unable to deposit the said amount, his bail was dismissed vide order dated 11.01.2022.

Further, in support of his arguments, learned counsel also placed reliance on judgments dated 30.12.2019 and 14.01.2022 rendered by Coordinate Benches of this Court in CRM-M-55666 of 2019 titled Gurjant Singh Versus State of Haryana and CRM-33030-2021 in CRA-S-363-2020 titled Mahidul Sheikh Versus State of Haryana respectively.

Heard.

From a perusal of the order dated 04.01.2022 passed by learned Additional Sessions Judge, Sangrur, it is clear that the petitioner is guilty of having committed theft of electric energy by way of kundi connection by using 10 meter cable from LT line wrongly and illegally and for this reason, he was penalized to pay an amount of Rs.1,81,512/- along with compounding fee of Rs.12,000/-. Still, the petitioner was granted concession of interim bail subject to deposit of 50% of the penalty amount and join the investigation, which was subsequently cancelled on account of non compliance.

Clearly, the case of the present petitioner does not find any relevance with the aforesaid judgments relied upon by the learned counsel which unlike the present case pertain to NDPS Act, as present is the case registered under Electricity Act, 2003 involving theft of electric energy by way of kundi connection by using 10 meter cable from LT line. Therefore, in the considered view of this Court, no fault can be found with the impugned order passed by learned Additional Sessions Judge, who has rightly exercised his jurisdiction while passing of order of deposit of 50% of the final amount.

Even today, on the asking of the Court, learned counsel for the petitioner has shown inability on the part of his client to deposit 50% of the penalty amount.

In view of the above, this Court is of the view that the petitioner does not deserve the concession of anticipatory bail and accordingly, his request for the same is declined.

Petition stands dismissed.

**(SANT PARKASH)
JUDGE**

01.02.2022
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No