

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

212

**CRM-M-10789-2022
Date of decision: 03.08.2022**

NARENDER

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Parvesh Jaglan, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. 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 case FIR No.295 dated 26.09.2020 registered under Section 379 of the Indian Penal Code, 1860 and Section 136 of the Electricity Act, at Uchana Police Station, District Jind (Annexure P-1).

2. The FIR in the present case has been registered on the complaint of one Shri Amit Kumar, SDO. 'Operation' Sub Division, DHBVN, Uchana and the relevant extract thereof reads thus:

“Shri Amit Kumar, SDO. 'Operation' Sub Division, DHBVN, Uchana set the criminal law in motion by filing a complaint bearing No.1335 dated 25.09.2020 pointing therein that Shri Darshan Singh. Area Incharge had reported about theft of 16 KVA Transformer from the fields of Chanderpati, son of Sunehra, resident of village Palwan, on the night of 23.09.2020 by some unknown

persons. Complainant further pointed out that as a consequence of this theft, Nigam suffered a loss of Rs.62129/-.”

3. Learned counsel appearing on behalf of the petitioner contends that a formal case was registered on the aforesaid statement of the official wherein after conducting an investigation, an untraced report was initially filed. Thereafter, the investigation was conducted by another Investigating Officer and the name of the petitioner has been involved on the basis of a disclosure statement recorded by the said Investigating Officer. Only an amount of Rs. 1,000/- has been recovered from the petitioner which is stated to have been a sale proceed of the stolen coil.

4. Learned counsel further contends that the petitioner has been in custody since 02.09.2021 and has undergone an actual custody of nearly 11 months.

5. Per contra, learned counsel appearing on behalf of the respondent-State contends that petitioner is a habitual offender and is involved in multiple cases pertaining to theft of coil/transformers installed by the Electricity Department. It is however not disputed that the petitioner has undergone an actual custody of nearly 11 months in the present case pertaining to commission of offence under Section 379 of the IPC and Section 136 of the Electricity Act.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

7. Without examining the merits of the instant case and taking into consideration the fact that, the prosecution evidence has not

yet concluded and the conclusion of the trial is likely to take some time, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 03, 2022
vishal sharma

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