

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

CRM-M-17351 of 2022 (O&M)

DECIDED ON: 4th May, 2022

Vikas

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ashok K. Sharma, Advocate for petitioner.
Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 69 dated 27.04.2020, under Section 136 of Electricity Act, registered at Police Station Julana, District Jind.

Learned counsel for the petitioner seeks parity with co-accused Narender who was granted bail by this Court vide order dated 14.9.2021.

The order is quoted below:

"1 .Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 69 dated 27.04.2020, under Section 136 Electricity Act, 2003 and 411 IPC registered at Police Station Julana, Jind.

3. As per the allegations in the FIR, there was theft of coils from the transformer. The petitioner was nominated on the basis of a disclosure statement. On production warrants, he was made to join the investigation. Disclosure statement was recorded, stating that he had sold the stolen articles to scrap dealer.

4. Learned counsel for the petitioner submits that it is a case of false implication. Petitioner was not named in the FIR. No recovery was made from him.

5. *Learned State counsel opposes the prayer for grant of regular bail on the ground that petitioner is involved in nine more cases. She submits that from the co-accused stolen coils were recovered.*

6. *Learned counsel for the petitioner submits that the petitioner was granted bail in all the nine cases. He relies upon the order of this Court dated 18.03.2021 whereby he was granted bail in FIR No. 227 dated 06.10.2020. He submits that in one case he was apprehended and thereafter all other cases were registered on the disclosure statement.*

7. *The petitioner is in custody since December, 2020. Investigation is complete, no recovery is to be made. Conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.*

8. *The petition is allowed.*

9. *It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case."*

Learned State counsel on instructions is not in a position to distinguish the case of the petitioner with co-accused-Narender, so far as grant of bail is concerned.

The petitioner is granted bail on the basis of parity with co-accused Narender, on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

4th May, 2022

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No