

CRM-M-19726 of 2022

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

CRM-M-19726 of 2022  
Date of Decision: 14.09.2022

Vikas

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Ashok K. Sharma Bhana, Advocate, for the petitioner.  
Mr. Himmat Singh, Deputy Advocate General, Haryana.

**ASHOK KUMAR VERMA, J. (ORAL)**

Custody certificate filed in Court today is taken on record.

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in case FIR No.295 dated 26.09.2020 registered under Section 136 of the Electricity Act and Section 379 IPC at Police Station Uchana, District Jind.

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*

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*pointed out that as a consequence of this theft, Nigam suffered a loss of ₹62129/-.”*

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 ₹1,000/- has been recovered from the petitioner. Learned counsel further contends that the petitioner has been in custody since 27.10.2020 and has undergone an actual custody of more than one year. Co-accused of the petitioner, namely, Narender has already been granted regular bail by this Court vide order dated 03.08.2022 passed in CRM-M-10789 of 2022. Therefore, petitioner may also be granted the concession of regular bail.

Per contra, learned counsel appearing on behalf of the respondent-State contends that petitioner is a habitual offender and is involved in multiple cases under the Electricity Act. It is however not disputed that the petitioner has undergone an actual custody of more than one year in the present case pertaining to commission of offence under Section 379 of the IPC and Section 136 of the Electricity Act.

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

Without examining the merits of the instant case and taking

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into consideration the fact that 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.

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.

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.

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.

It is further made clear that in case the petitioner, on bail, is found involved in similar type of offence, the State shall be at liberty to approach this Court for cancellation of his bail.

**September 14, 2022**  
R.S.

**(ASHOK KUMAR VERMA)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |