

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

212

CRM-M-19650-2022 (O&M)
Date of Decision: 07.07.2022

VIKAS

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present: Mr. Ashok Kumar Sharma, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant 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.227, dated 06.10.2020 under Section 136 of the Electricity Act registered at Police Station Julana, District Jind.

Learned counsel appearing on behalf of the petitioner contends that the FIR in question was registered on the basis of statement of one Mahinder Singh, who had alleged that he had taken electricity connection for irrigating his fields and a transformer had been installed in his fields. On 01.10.2020, when he went to his fields, he found that the copper coils of his transformer had been stolen. On enquiry, it was revealed that the copper coils of the transformer of his neighbour namely Inder Singh had also been stolen. Resultantly, the FIR in question was registered under Section 136 of the Electricity Act.

Learned counsel for the petitioner submits that the petitioner is in

custody since 27.10.2020 and as such, he has undergone an actual custody of 01 year 08 months and 10 days in the present case. It is contended that even though the name of the petitioner has been roped in 08 more FIRs, however, in three of the said cases, he has already been granted bail. He submits that the investigation in the case is complete and no further purpose of investigation would be served by continue incarceration of the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana opposes the prayer of the learned counsel for the petitioner by submitting that the petitioner does not deserve the concession of bail as he is a repeat/habitual offender and a large number of cases have been registered against him.

I have considered the rival submissions advanced by the learned counsel for the parties.

Taking into consideration the period of custody already undergone by the petitioner in the present case and the fact as stated by the learned State counsel that only five witnesses out of 19 cited witness have been examined so far, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of 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 observations 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.

Petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

07.07.2022
rajender

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