

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CRM-M-30901-2022

Date of decision: 19.07.2022

Suchha Singh

.....Petitioner.

vs.

State of Haryana and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: - Mr. Varun Singh Dhanda, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

Through this petition filed under Section 482 Code of Criminal Procedure, the petitioner seeks issuance of the directions to respondents No. 1 to 5 to take appropriate action against respondents No. 6 to 8.

Learned counsel for the petitioner submits that the entire report prepared by respondent No. 6 is based on wrong facts inasmuch as, wrong name and particulars have been given terming the same to be that of the petitioner; that there is no person, namely, Sukha Singh son of Partap Singh in the area and rather the petitioner is residing at the Railway Road, Kalayat, District Kaithal and that the notice was issued at the the address of Shaktinagar, Kalayat.

It is further submitted that the petitioner also moved an application/complaint dated 23.07.2018, to the Station House Officer, Police Station Kalayat, District Kaithal (Annexure P-4), stating therein that the petitioner does not have any house or plot in Shaktinagar and that the office of the SDO (OPS/Division) UHBVN, Kalayat, vide letter dated 22.03.2019 filed reply to RTI application of the petitioner, but a perusal thereof would

show that no satisfactory reply was given. It is thus, submitted that looking into the illegalities committed by the Sub Divisional Officer, 'OP' S/Division, UHBVNL, Kalayat Circle, District Kaithal-respondent No. 5, Junior Engineer, UHBVNL, Kalayat Circle-respondent No. 6 as well as the staff of the Station House Officer, Police Station Kalayat, District Kaithal, a departmental inquiry should be initiated.

I have heard learned counsel for the petitioner and gone through the record.

The report was prepared by the Department on 11.02.2017 against the petitioner, but the name mentioned therein was Sukha Singh s/o Partap Singh instead of Suchha Singh son of Partap Singh and that on account of the theft of electricity, a demand of Rs.6,990/- was raised and the said amount was deposited by the petitioner. Again on 15.03.2018, respondent No.7 along with two persons, went to the house of the petitioner and found that there was a theft of electricity and since the petitioner was not present at that time, they asked his wife to deposit Rs.6,990/- and the wife of the petitioner accompanied the officials of the Electricity Department, and had deposited the said amount. Thereafter, the petitioner made a complaint to Station House Officer on 23.07.2018 and also to the Inspector General of Police, Karnal Range, Police, District Karnal. On the directions of the senior officer, an inquiry was initiated and during the inquiry, it was brought to the notice of the Inquiry Officer that on 11.02.2017 at 7.30 a.m., Pradeep Kumar, Junior Engineer, found the electricity theft at the house of the petitioner upon which Pradeep Kumar, Junior Engineer, had filed a complaint in the Police Station dated 11.02.2017 and an FIR No. 4887 dated 02.05.2017 under Section 135 of the Energy Conservation Act, 2001, was registered, the investigation was conducted. During investigation, it was found that the petitioner was issued a notice to pay the amount and the assessment of Rs.

4,990/- was made. On 20.03.2018, the amount was deposited by the petitioner and accordingly, a receipt was issued. Thereafter, the SDO, Kalayat, issued notice under Section 152 Cr. P.C. During the inquiry conducted by the police, the complaint made by the petitioner was found to be false. The inquiry report dated 22.10.2019 is on record as Annexure P.8. Whenever the petitioner sought the information through RTI Act, the same was supplied to him. It was vide letter dated 15.11.2019 (P-10), an explanation of Pradeep Kumar, respondent No.6, was also called for. But it was found that the electricity theft was committed by the petitioner and accordingly, the due amount was sought to be deposited and as a matter of fact, was deposited by or on behalf of the petitioner, with the Electricity Department. From the said factual position, it clearly transpires that the petitioner was given sufficient opportunities and there seems to be no foul play, as alleged by the petitioner.

To the mind of this Court, the petitioner has committed the theft of electricity and on the demand having been raised by the Department, he deposited the same. The amount was not deposited under protest. There was no agitation, at any stage, while depositing the said amount either.

In view of the above, the present petition is dismissed.

19.07.2022
preeti

(HARNARESH SINGH GILL)
JUDGE

whether speaking/reasoned	yes/no
whether reportable	yes/no