

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.33576 of 2022 (O&M)
Date of Decision: 29.08.2022

Teena @ Garima

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Tarun Seth, Advocate appearing for
Ms. Deepali Gupta, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

CRM No.27148 of 2022

Heard

Keeping in view the reasons as mentioned in the present
application, the same is allowed.

CRM-M No.33576 of 2022

Apprehending her arrest in the criminal case arisen out of the
FIR bearing No.1303 dated 17.02.2020 registered at Police Station I & P
Hisar, District Hisar, under Section 135 of the Electricity Act, the petitioner
has preferred this petition to seek the relief of pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that on 06.02.2020, the petitioner, who is a consumer of the DHBVN (here-in-after to be referred as 'the Nigam'), was found committing the theft of electricity and she had, thereby, caused the loss of Rs.54,586/- to the Nigam and despite the issuance of the notice to her to deposit the amount of penalty on the said score, she had failed to do so.

3. Learned State counsel has submitted the status-report on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, HPU'S (Vigilance), Hisar, along-with Annexures R-1 and R-2, in the Court and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner has been got falsely implicated in this case and even otherwise, she has already deposited the entire penalty amount with the Nigam and in these circumstances, she deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel argues that the petitioner is a habitual offender and prior to the registration of the FIR under reference, two more criminal cases had been registered against her for committing the theft of energy (electricity) and it being so, this petition be dismissed.

7. The truthfulness of the plea regarding the petitioner having been falsely implicated in the present case, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after

appreciating and evaluating the evidence that would be led on the record during the course of the trial and the same cannot be ascertained at the stage of deciding the instant petition.

8. So far as the contention qua the payment of the entire amount of penalty having been made by the petitioner to the Nigam is concerned, again, the fact remains that it has categorically been deposed in para No.7 of the status-report that the petitioner has been booked for the third time for committing the theft of electricity. Even in para No.13 of the petition, the petitioner herself has specifically averred that she is involved in two more cases registered under Section 135 of the Electricity Act.

9. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that she does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

August 29, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>