

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

207

**CRM-M-48361-2021
Date of decision : 14.01.2022**

MARTHA

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.2570 dated 29.08.2020, registered under Section 135 of The Electricity Act, 2003, at Police Station Irrigation & Power, Ambala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 18.11.2021. Order dated 18.11.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.2570 dated 29.08.2020, registered under Section 135 of The Electricity Act, 2003, at Police Station Irrigation & Power, Ambala.

Learned counsel for the petitioner argues that the present FIR has been registered by the Electricity Department on the ground that the demand raised by the department with regard to deposit of the amount by the petitioner has not been fulfilled by her, whereas, the notices/demand raised by the department is already under challenged before the civil Court wherein an interim order has already been passed in favour of the

petitioner, which order has already been complied with by the petitioner for the deposit of the required amount, hence, the allegations alleged against the petitioner are not made out so as to register an FIR even. Learned counsel for the petitioner submits that even otherwise the petitioner is ready to join the investigation and cooperate, therefore, as nothing is to be recovered from the petitioner, she may kindly be extended the benefit of regular bail.

Notice of motion to respondent 13.01.2022.

Mr. Karan Garg, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent.

Learned State counsel, on the other hand, submits that it is a case of theft and the petitioner is a second time offender, therefore, the custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the demand being raised by the Electricity Department so as to compound the offence is already under challenge before the Competent Court of Law, wherein, interim order in favour of the petitioner for deposit of some percentage of the amount, has been passed, which order has already been complied by the petitioner, therefore, the purpose of investigation will be achieved in the facts and circumstances of the present case in case the petitioner is directed to join the investigation and cooperate.

Hence, the petitioner is directed to join the investigation forthwith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make herself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Amit Kumar states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and she is not required for further interrogation, at this stage.

In view of the above, the order dated 18.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

14.01.2022

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Whether speaking/reasoned	Yes
Whether Reportable :	No