

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47894-2022
Date of Decision: 21.10.2022

Manish Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Panwar, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 51 dated 02.02.2022, under Section 136 of Electricity Act, 2003 and Section 411 of IPC, registered at Police Station Mullana, District Ambala, Haryana.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case in view of the fact that earlier he was involved in number of FIRs under the Electricity Act. He further submitted that the petitioner is in custody from 18.05.2022 and the investigation of the case has already been completed and thereafter, the charges have been framed but no prosecution witness has been examined.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy

Advocate General, Haryana has submitted that although the petitioner is in custody from 18.05.2022 and the investigation of the case has already been completed but it is a case where the allegation against the petitioner was with regard to theft of internal coils of 16 KVA of the Department of Electricity. He further submitted that the petitioner has committed a theft of high voltage wires belonging to the Department of Electricity, Government of Haryana. He further submitted that the petitioner is a habitual offender and is involved in 22 more cases of similar nature and all of them are under the Electricity Act. He further submitted that the petitioner does not deserve the concession of regular bail in view of the gravity of the offence, being a habitual offender and also there is a strong apprehension that in case the petitioner is released on bail, then he may repeat the offence and he may even abscond from justice.

I have heard the learned counsel for the parties.

The petitioner is in custody from 18.05.2022 and charges in the present case have already been framed. The allegations against the petitioner were pertaining to theft of high voltage electricity wires of Department of Electricity, Government of Haryana and as per the learned Deputy Advocate General, Haryana, the petitioner is a habitual offender and is involved in 22 more such like cases under the Electricity Act. The gravity of the offence and the strong apprehension expressed by the learned State counsel that in case the petitioner is released on bail, then he may repeat the offence and may abscond from justice cannot be ignored and does carry weight.

In view of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.10.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No