

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-49115-2022

Date of Decision: 31.10.2022

Subhash @ Pappu

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner

Mr. Chetan Sharma, AAG Haryana

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.138 dated 27.07.2022 under Section 136 of the Electricity Act, 2003 registered at Police Station Jakhal, District Fatehabad (Annexure P1).

(2) Learned counsel contends that the allegations qua the petitioner pertains to the theft of 115 litres of oil from two transformer that were installed in the fields of the petitioner on 25.07.2022, the cost of which comes out to Rs.11,288/-.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Chetan Sharma, AAG Haryana accepts notice on behalf of the respondent.

(5) The custody certificate has been produced by learned State counsel which is taken on record. It shows that the petitioner is behind the bars for the last 1 month and 13 days in the FIR which was registered on 27.07.2022. Even the custodial interrogation is not required as stated by learned State counsel.

(6) This Court is conscious of the fact that the registration of FIR pertains to the date of 27.07.2022 and the challan is yet to be filed. It shows laxity on the part of the electricity agency wherein nothing is to be recovered from the petitioner by now and almost 4 months have elapsed.

(1) Keeping in view the totality of the facts and circumstances and since the conclusion of the trial is likely to take time and no fruitful purpose would be served by keeping the petitioner behind the bars, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaqqa Magistrate, concerned.

31.10.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No