

CRM-M-2778-2023

2023:PHHC:053761

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212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2778-2023

DATE OF DECISION:-18.04.2023

Dharminder Singh and another

...Petitioners.

Vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab for respondent No.1-State.

Mr. Amit Arora, Advocate for respondent No.2.

Mr. Ferry Sofat, Advocate for respondent No.3-PSPCL.

HARKESH MANUJA, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners, in case FIR No.174 dated 21.05.2022, under Section 379 IPC, registered at Police Station Goindwal Sahib, District Tarn Taran.

The allegations levelled against the petitioner are of having removed an electric transformer and keeping the same at their house.

On 19.01.2023, this Court passed the following order:

“Learned counsel for the petitioner inter alia submits that the dispute in fact, is between the nephew and real uncle which can be amicably settled in case they are allowed to sit together.

Notice of motion.

Sh. Amit Arora, Advocate appears on behalf of the complainant i.e. uncle of the petitioner, and files power of attorney. On an oral request made on behalf of the petitioner, Mr. Gulwinder Singh Rai, S/o Harbans Singh, R/o R-118, Phase 1 Kailash Area, Goindwal Sahib, Tehsil Khadur Sahib, District Tarn Taran is ordered to be impleaded as respondent No.2. Let

amended memo of parties be filed within a period of 7 days from today.

The parties are directed to appear before the Mediation and Conciliation Centre on 24.01.2023 in order to explore the possibilities of settlement.

Adjourned to 22.03.2023.

In the meanwhile, the arrest of petitioner shall remain stayed as at present, the merits of the petition have not been developed into.”

Keeping in view the facts and circumstances of the present case,

wherein, the petitioners undertake to deposit the charges towards reinstallation of the transformer, besides cost of damages, if at all caused to the transformer as well as the cost of Rs.10,000/- to the PSPCL, the petition is allowed and order dated 19.01.2023 passed by this Court is hereby made absolute, subject to the petitioners joining the investigation as and when called by the investigating agency through notice in writing.

In addition, Mr. Ferry Sofat, Advocate, who appears on behalf of PSPCL, on instructions from Sh. Jagdeep Singh, SDO, PSPCL, Naushehra Pannuan, submits that the transformer in question shall be reinstalled within a period of 04 weeks from today after obtaining the same on superdari from the trial court.

The petitioner shall deposit a sum of Rs.20,000/- within a period of 15 days from today with respondent No.3 and remaining amount of demand as assessed by respondent No.3 shall be recovered from the petitioner post installation of the transformer.

Petition is disposed of in the aforesaid terms.

18.04.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No