

210

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

**CRM-M-30722-2023 (O&M)
Date of Decision: 21.09.2023**

GURSEWAK SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.K. S. Phoolka, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

...

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.334 dated 03.03.2021 under Section 135 of Electricity Act, 2003, registered at Police Station Anti Power Theft, Bathinda, District Bathinda.

2. Above FIR was registered on the complaint moved by Assistant Executive Engineer Commercial-I, PSPCL, Bathinda on the allegations that the petitioner had altered the electricity meter and misused the electricity consumption.

3. The co-ordinate Bench, vide order dated 16.06.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel appearing on behalf of the petitioner, inter alia, contends that the interim concession of bail was granted to the petitioner, however, on account of failure of communication, he could not join the the investigation and that he is ready and willing to join investigation as and when required to do so.

Notice of motion returnable for 21.09.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating

Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/ investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

4. Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
5. Learned State Counsel, on instructions from ASI Iqbal Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required. s
6. In view of above, interim order dated 16.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending applications, if any, also stand disposed off.

21.09.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No