

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47138-2024
Date of Decision:15.10.2024

Anand Kumar Singh ...Petitioner

vs.

State of Punjab and others ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Varun Chhibba, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

Ms. Aditi Sharma, Advocate
for respondents No.2 and 3.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.388, dated 24.06.2024, under Section 135 of Electricity Act,2003, registered at Police Station APT, Ludhiana (Annexure P-1).
2. The FIR in the present case was registered on the basis of complaint filed by the Assistant Executive Engineer/Distribution Focal Point, Ludhiana and the same has been reproduced below:-

“From this meter, electricity is being consumed by factory namely M/s Rishika Fabric, whose proprietor is Pooja Rai wife of Anand Kumar Singh. At the spot knitting machines have been installed. This meter has been installed in an unauthorised manner without any document/application. This is a case of pilferage of electricity. This office vide notice no. 5221 dated 05.01.2024 had

imposed a fine a of Rs.38,04,680/- for pilferage of electricity and has asked to deposit a sum of Rs.3,60,000/- for compounding which the consumer did not deposited and due to pilferage of electricity, an FIR may be registered against the consumer. So, it is being requested that for execution of the abovementioned order proceedings may be carried out. Attached LCR, Notice, Sd- Assistant Executive Engineer/Distribution Focal Point, Ludhiana, upon receipt of letter case number 388 dated 24.06.2024 was registered under Section 135 of the Electricity Act, 2003. Investigation is being marked to SI Narinder. Information was sent to senior officers. Special report shall be prepared and shall be sent for the kind perusal of the concerned Hon'ble Court. Tagged report 11 at 12:00 PM dated 24.06.2024".

3. Learned counsel for the petitioner vehemently argued that the present FIR has been wrongly registered against the present petitioner. It has been falsely allegedly that the electricity was being consumed by a factory namely M/s Rishika Fabric, where knitting machines have been installed. He further contends that in fact, the machinery was set up by the petitioner at the rented premises by the end of month of February 2024 and even Mrs. Pooja Rai wife of the petitioner is the proprietor of the said factory. He further contends that the petitioner had taken the premises on rent from a lady namely Mrs. Paramjit Kaur wife of Harmel Singh, vide the rent agreement dated 01.02.2024 (Annexure P-2). He further contends that the respondent department had also issued a notice for recovery of penalty amount of Rs.38,04,680/- for committing the theft of electricity. Thus, a civil dispute has been wrongly converted into a criminal offence and the respondent department had a right to recover the said amount from the present petitioner. He further contends that the custodial interrogation of the petitioner may not be required in the peculiar facts and

circumstances of the present case.

4. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the premises in question is owned by Mrs. Paramjit Kaur wife of Harmel Singh, whereas, the electricity matter was issued in the name of a different lady by the electricity department, which was installed in the said premises. Learned State counsel further submitted that the electricity was wrongly extracted by the present petitioner and his wife and had caused loss to the electricity department.

5. I have heard the rival contentions made by learned counsel for the parties and perused the record carefully.

6. In fact, in the present case, the officials of electricity department/PSPCL had visited the premises in question, where the petitioner and his wife have installed knitting machines and it was found that an unauthorised meter was installed in the premises, without any document/application and it was found to be a case of pilferage of electricity. Even the petitioner was granted an opportunity to deposit 15% of the amount of penalty, however, even the said condition was not complied by the petitioner in the present case. Even from the allegations levelled in the FIR, it is apparent that the electricity was being consumed by the petitioner illegally and huge loss had been caused to the public exchequer.

7. Thus, keeping in view the seriousness of the allegations, the present petition deserves to be dismissed by this Court.

(N.S.SHEKHAWAT)
JUDGE

15.10.2024
hitesh

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