

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-54243-2023

Date of decision: 09.02.2024

Jasbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Joginder Pal Devgan, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.510 dated 27.09.2016 under Sections 135 of the Electricity Act, 2003 registered at Police Station Anti Power Theft Verka Amritsar, Police District Amritsar.

2. On 23.10.2023, while noticing the following facts and submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“2. Brief facts of the case are that the present FIR has been registered on the complaint of Jagtar Singh, S.D.O. Gohalwar wherein it was stated that on checking of commercial electricity meter of Jasbir Singh (petitioner herein), it was found that the petitioner was committing theft of electricity/energy. The petitioner has been issued separately show cause notice as well as assessment order raising a demand of Rs. 1,05,624/- qua compensation for committing theft of electricity and compounding charges amounting to Rs. 15,000/-.

3. Learned counsel for the petitioner submits that the

instant FIR has been registered after a delay of more than two years in order to harass the petitioner and his family. It is further submitted that the petitioner is the mortgagee and not the owner of the alleged land where the alleged offence of electricity theft has been committed and the land originally belongs to Harpal Singh etc. Learned counsel for the petitioner submits that no specific role has been attributed to the petitioner. Learned counsel next submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Judge Special Court, vide its order dated 16.10.2023 (Annexure P-10). It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.”

3. Learned counsel for the petitioner submits that in compliance of order dated 23.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Surjit Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 23.10.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

09.02.2024

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(MANJARI NEHRU KAUL)
JUDGE

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