



CRM-M-13466-2025
107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13466-2025
Decided on: 11.03.2025

Bodh Raj ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipin Kumar Sharma, Advocate
for the petitioner.

Mr. Gurpartap S. Bhullar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
307	27.03.2024	APT, Jalandhar, District Jalandhar	135 of Electricity Act 2003

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. Given the nature of allegations, this Court is not asking for any reply from the State.
4. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“PSPCL Memo No. 1123 Dated 12.12.2023 was received from Assistant Executive Engineer, PSPCL, which was sent for compliance of objections to the PSPCL Department Office Patel Chowk vide No. 48 dated 16.01.24 and after complying with the objections, it was again sent to the police station vide No. 267 Dated 20.3.2024 today at Jalandhar. Subject: Regarding registering the FIR due to commission of theft of electricity- Account No. 3004614823. On the subject cited above, it is informed to



CRM-M-13466-2025

your goodself that on dated 11.12.2023, courtyard of Bodh Raj resident of 576 Paras Estate, Jalandhar was inspected by Engineer Enforcement-I through his Additional Superintending Engineer and it was found that the above said person was committing theft of electricity without electricity connection by making direct connection. Wire etc. being used for committing theft of electricity were taken in possession at the spot and the above said Bodh Raj was present at the spot and in his presence, FCR/LCR No. 49/1457 Dated 11.12.2023 was issued (copy is enclosed). 2/554 Kw load of the above said person was found and the above said Bodh Raj was present. Accordingly to the above said commission of electricity theft, vide this office Letter No. 112 dated 12.11.2023, notice was issued to the above said Bodh Raj for depositing Rs. 346862/- as compensation and Rs. 27700/- as compounding. After registering FIR, a copy of the same may be sent to this office. Encl: Copy of ECR, Calculation Sheet, Copy of Noting. Sd/- Assistant Executive Engineer, Sub Division PSPCL, Patel Chowk, Jalandhar. Police Action:- On receipt of the above said letter at the police station, the matter was found regarding theft of electricity. Upon this, a case was registered U/s 135 of Electricity Act, 2003. Investigation of this case was entrusted to SI Shiv Kumar No.3398 PAP. Information is being sent to the senior officers through telephone. After preparing special report, the same is being sent to the Illaqa Magistrate Sahib, Jalandhar.

Closing of Rapat No. 09 Time: 7:40 PM Dated 27.3.2024."

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes the bail.

REASONING:

7. Allegations against the petitioner are of electricity theft and total demand by the department was for Rs.3,46,862/- as compensation and Rs.27,700/- as compounding fee.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.



CRM-M-13466-2025

9. FIR relates to March 2024 and the Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the DDR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this DDR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding

2025:PHHC:034220



4

CRM-M-13466-2025

the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.