



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21346-2025
DECIDED ON: 24.04.2025

SURENDER KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Alok Mittal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of Anticipatory bail to the petitioner in FIR No. 102 dated 20.03.2025, (Annexure P-1), for offence punishable under Sections 420, 467, 468 and 471 of IPC, 1860 registered at Police Station Rajendra Park, District Gurugram, Haryana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“For initiation of legal action against 1- Surendra, phone number 9810343275, son of Shri Sahib Singh, resident of Bhimgarh Khedi, Tehsil and District Gurugram, 2. Concerned employees (Electricity Department), Daulatabad Industrial Area, Gurugram, for transferring the electricity connection bearing account no. 6217950000, registered in the name of Mohit to the name of accused No.1 in connivance with each other in a fraudulent manner and further getting the

connection disconnected on 29.01.2025. Legal action be taken after investigation and the connection to the said meter be restored. Sir, It is humbly submitted that I, the applicant Vikas Kumar son of Shri Durgesh Kumar, resident of village Chandra, Tehsil Farukhnagar, District Gurugram, am a permanent resident of the aforesaid address and I am a peace loving and law abiding person and humbly submit as under:-

- 1. That an electricity connection in plot number 38, Rajendra Park, Daulatabad Industrial Area, Gurugram bearing account number 6217950000, was running in the name of Mohit Kumar son of Shri Rajesh, resident of Bhimgarh Khedi, Tehsil and District Gurugram.*
- 2. That I had taken the above place on rent from Mohit son of Rajesh since the year 2014 and till now I was paying the bills of the said connection.*
- 3. That the above accused no.1 deliberately, in a premeditated manner, in collusion with accused No. 2, while misleading the electricity department, illegally got the said connection account number 6217950000 transferred from Mohit's name to their own name.*
- 4. That the above mentioned Surendra has now deliberately got the said connection disconnected illegally on 29.01.2025 in my absence, due to which I am suffering a lot of financial loss due to the disconnection of the said connection.*
- 5. That if legal action is not taken by investigating this matter thoroughly in time and the meter of the said connection is not reinstalled, then I will suffer a huge loss.*
- 6. That the above mentioned accused number 1 Surendra has committed the abominable act in collusion with accused number 2, which is done by accused number 2 while being in the department and misusing his position. I have cooperated with him and am involved in the aforesaid heinous act. Therefore, I request you with folded hands that the meter of the above connection be reinstalled as soon as possible and strict legal action be taken against the culprits by registering a case against them for transferring the connection to their name on the basis of fake documents and for the process of disconnecting the connection and I should be given justice. Your kindness will*

be appreciated. Date: 30.01.2025 SD- Vikash Kumar 8750852024. Today Police Station- After the above complaint no. 148-CAS DT 30.01.25 was received at the police station through post with the permission of higher authorities, the above mentioned case was registered and the final copies of the FIR were prepared computerized by the computer operator through CCTNS which will be sent to the Bajariya Post Area Magistrate Sahib and higher officials. The copy along with the original application was registered by the police and handed over to ASI Vinod 789/ GGM for further investigation. This FIR has been registered after check in the presence of ASI Vinod 789, the investigator of the case.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the dispute in question is civil in nature, wherein the petitioner has already preferred a civil suit No.805 of 2024 (Annexure P-7). He further contends that the present FIR has been registered with the sole motive of using it as an arm-twisting mode. It has been further contended that the petitioner is a man of clean antecedents as he is not involved in any other case. The petitioner is ready and willing to join the investigating and cooperate with the investigating officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the recovery of forged

original affidavit/NOC is to be effected from the possession of the petitioner, for which his custodial interrogation is required.

4. **Analysis**

Be that as it may, considering the fact that the dispute in question is civil in nature but has given a colour of criminal liability with the sole idea of using it as an arm-twisting mode as well as the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail at this stage as nothing is to be recovered from him since the evidence is documentary in nature which can be extracted once he is made to join the investigation.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

24.04.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No