



CRM-M-39247-2023(O&M) -1-

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

102+201/1

CRM-47846-2025 in/and
CRM-M-39247-2023
Date of Decision: 02.12.2025

SIMARJIT SINGH BAINS

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. A. P. S. Deol, Senior Advocate with
Mr. Vishal R. Lamba, Advocate and
Mr. H. S. Deol, Advocate for the petitioner.

Mr. Satjot Singh Chahal, Assistant Advocate General, Punjab.

TRIBHUVAN DAHIYA, J. (Oral)**CRM-47846-2025**

For the reasons stated, the application is allowed. Order dated 11.11.2021 passed by JMIC, Jalandhar, is taken on record as Annexure P-5, subject to all just exceptions.

Main Case

The petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.56 dated 13.03.2020, registered under Sections 138(1)(b), 150 of the Electricity Act, 2003 (for short, 'the 2003 Act') and Section 336 IPC, at Police Station Rama Mandi, Jalandhar, Annexure P-1; final report/chargesheet under Section 173 Cr.P.C., dated 28.10.2021, Annexure P-2, and all subsequent proceedings *qua* the petitioner.

2. It is alleged in the petition that the petitioner has been a former Member of the Legislative Assembly (MLA) of the State of Punjab for two consecutive terms from 2012 to 2022. He has been taking up various



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issues on behalf of people of the Punjab against the State Government, and has been implicated in various criminal cases on that account. The instant FIR bearing no.56, dated 13.03.2020 was also lodged at the behest of the State Government to falsely implicate him in the case. The translated copy of FIR placed on record by the petitioner reads as under:

On the above subject, it is submitted that on 05-03-2020 the employees of PSPCL disconnected the connections of consumers against whom the electricity amount was outstanding, as per attached LCR reports, near Dr. Bawa Clinic, Bawa Mohalla village Lamba chowk near Santokhpura at Jalandhar. On 11-03-2020 the Lok Insaf Party MLA Simarjit Singh Bains and his companions along with the consumers had unauthorisedly re-connected their disconnected connections without paying the outstanding electricity bills and without permission of Powercom. A video clip of these persons at the time of connecting the disconnected connections was got viral on YouTube, in which Simarjit Singh Bains MLA has been shown reconnecting the disconnected connections at his own level. And he (Simarjit Singh Bains) also shown at the spot to instigate/excite the persons for reconnecting their disconnected connections without paying the electricity bills. At the time of reconnecting the disconnected connections, the naked electricity wires were connected with carelessness and in inexperienced manner in the presence of the public due to which there could be danger to public life. The above said persons has put the lives of the public because of their irresponsible ways. Therefore, it is requested that legal action be taken against the above mentioned persons and this office may be informed accordingly. Sd/- Asstt. Executive Engineer, East T-2 Nehru Garden, Jalandhar.

After completion of investigation, the chargesheet/challan was presented against the petitioner on 11.11.2021. Learned Judicial Magistrate First Class, took cognizance of the offence and issued notice to the accused/petitioner,



vide order dated 11.11.2021. Sanction to prosecute him was granted on 22.05.2025, and supplementary chargesheet was presented on 24.05.2025.

3. In this factual background, learned senior counsel for the petitioner contended that the petitioner was only espousing cause of general public and requesting the Electricity Department to restore their electricity connections till resolution of dispute regarding disconnection by the Forum/Committee constituted under the Electricity Rules, 2005. It is further contended that the offence under Section 138 of the 2003 Act is cognizable, but cognizance thereof can only be taken by the Court of competent jurisdiction, i.e., the designated Special Court under the 2003 Act which is the Court of Additional Sessions Judge, Jalandhar, and learned Magistrate had no jurisdiction to do so.

4. Learned State counsel, on the contrary, contends that the *prima facie* case is made out against the petitioner regarding the alleged offences and there is no ground to quash the FIR as well as the consequential proceedings. He, however, is not in a position to dispute that the competent Court to take cognizance of the alleged offences is the Special Court at Jalandhar.

5. Submissions made by learned counsel for the parties have been considered.

6. The petitioner is accused of offences under Sections 138(1)(b) of the 2003 Act, which is to the following effect that whoever unauthorisedly reconnects any meter with any electric line and other works being the property of the licensee when the said electric line or other works have been cut or disconnected, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. Under Section 150 of the 2003

Act, it is provided whoever abets an offence punishable under this Act shall

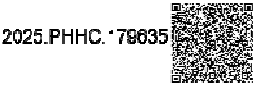


be punished with the punishment provided for the offence. Section 336 IPC is regarding an Act endangering life or personal safety of others and provides, whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine or with both. Provisions of Section 151 of the 2003 Act provide that no Court shall take cognizance of the offence except upon a complaint in writing made by an appropriate Government or Commission or any of their officers, etc., and that the Special Court constituted under Section 153 shall be competent to take cognizance of an offence without the accused being committed to it for trial. Further, Section 153 lays down that the State Government may constitute Special Courts for speedy trial of offences referred to in Sections 135 to 140 and Section 150. Section 154 is to the effect that every offence punishable under these Sections shall be triable only by the Sessions Court within the jurisdiction of such offence. The provisions of Section 154 of the 2003 Act reads as under:

154. Procedure and power of Special Court – (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under sections 135 to 140 and section 150 shall be triable only by the Special Court within whose jurisdiction such offence has been committed.

2 to 6 xxx xxx xxx

As apparent on record, though the petitioner is accused of offence under Section 150 of the 2003 Act, and only the Special Court constituted under Section 153 thereof is competent to take cognizance of the offence and try the same, the cognizance has been taken by the Magistrate vide order dated



11.11.2021. This is without jurisdiction and has vitiated the proceedings. The petitioner can only be tried by a Court of competent jurisdiction.

7. In view of the discussion, the petition is partly allowed by quashing the order, dated 11.11.2021, as also the consequential proceedings, *qua* the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

02.12.2025
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>