

CNR No: PBJL010220632019

CIS No: BA/4835/2019

Present: Sh. Chander Mohan Sharma, Advocates for the applicant/accused.

Shri Gurpal Singh, Additional Public Prosecutor for State.

ORDER:

1. Arguments on bail application filed by applicant/accused **Vikas Kumar** under Section 438 Cr.PC, for releasing him on anticipatory bail in this case bearing FIR No.1020 dated 20.08.2019, Police Station: Anti Power Theft, Jalandhar, under Section 135 of Electricity Act, heard. Police Record produced and perused.

2. Learned counsel for the applicant/accused has argued that applicant/accused has not committed any offence of theft of electric energy as alleged. It is alleged by the electricity department that they have conducted a raid in the premises of M/s Golden Resort and found the theft of electricity and they have also made the recording of the same. It is pertinent to mention here that at the time of alleged raid, the accused/applicant was not present on the spot. Moreover, neither the Electricity Department nor the police officials have taken the signatures of accused/applicant on any document. The accused/applicant is a manager of the Golden Resort and the electricity was supplied to M/s Golden Resort through the generators of the resort and the electricity department has no concern whatsoever with the same. He further argued that the applicant is ready to join the investigation. Therefore, it is prayed that applicant/accused may kindly be released on anticipatory bail.

3. On the other hand learned Additional Public Prosecutor has vehemently argued that applicant/accused committed theft of electric energy by way of tampering the electric meter installed at his premises regarding which penalty and compounding charges was imposed upon the applicant/accused and a demand notice was served upon him to recover the above said amount from the applicant/accused. He has not paid the

penalty amount along with compounding charges and as such, instant case has been registered against him. Therefore, it is prayed that bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, applicant/accused was found committing theft of electric energy by way of tampering the electric meter installed at her premises, when the same was checked by the officials of the Power Corporation and a penalty and compounding charges was imposed upon him after receiving the report of M.E. Lab regarding theft of electric energy committed by the applicant/accused regarding which a demand notice was also served upon him. Since, according to the allegations of the prosecution case, applicant/accused was found committing theft of electric energy and he can compound the said offence by paying the compounding fee, therefore, I am of the view that no useful purpose would be served to send the applicant/accused behind the bars and as such, he is directed to join the investigation within 15 days from today subject to deposit of 50% of the total penalty amount and compounding charges and in case he appears before the Investigating Officer by depositing the above said 50% of the penalty amount plus compounding charges for joining the investigation, the investigating officer shall release him on interim bail on his satisfaction subject to the following conditions:-

- a) applicant/accused shall make themselves available for investigation by a police officer as and when required;
- (b) applicant/accused 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/her from disclosing such facts to the Court or to any police officer;
- (c) applicant/accused shall not leave the country without prior permission of the Court.

5. A copy of this order be sent to the SHO, Police Station Anti Power Theft, Jalandhar. Police file be returned. Now to come up on

07.11.2019 for awaiting report of Investigating Officer regarding joining of investigation by the applicant/accused and arguments on bail application.

Announced:

Dated:-29.10.2019

(Manjinder Singh),
Additional Sessions Judge,
Jalandhar
[UID Number : PB0064]

rajesh** Dictated directly on computer