

**In the Court of Ms. Rana Kanwardeep Kaur Chahal,
Addl. Sessions Judge, Kapurthala (UID No.PB00223)**

CNR No. PBKP010043262024



Case No. BA/1789/2024

Presented on : 03-09-2024
Registered on : 04-09-2024
Decided on : 09-09-2024

Sunil Kumar, s/o Surinderpal, aged about 48 years, r/o H. No.140/16,
Mohalla Kesri Bagh, District Kapurthala.

...Applicant/accused

Versus

State of Punjab

..Respondent

FIR No.739 of 30.08.2022,
U/s 135 of Electricity Act & Rules,
P.S. Anti Powder Theft Jalandhar.

BAIL APPLICATION UNDER SECTION 482 of BNSS

Present: Sh.S.S.Walia, Advocate for applicant/accused.
Sh.APS Dhillon, Addl.P.P. for the State.
ASI Inderjit Singh, No.75/11/PAP, Posted at Anti Power
Theft Jalandhar.

ORDER:

1. Applicant/accused has filed this bail application under
Section 482 of BNSS in a case FIR No.739 of 30.08.2022, under section
135 of Electricity Act & Rules, registered at Police Station Anti Power
Theft Jalandhar.

2. Upon notice, Sh.APS Dhillon, Additional Public
Prosecutor appeared on behalf of State and opposed the bail application.

ARGUMENTS OF LD. COUNSEL FOR APPLICANT/ACCUSED:

Rana Kanwardeep Kaur Chahal
ASJ/Kapurthala
Dated 09.09.2024

3. The learned counsel for the applicant/accused has argued in the lines of bail application. He has submitted that the allegations in the FIR are totally false & frivolous. The alleged notice issued by the Electricity Board has already been stayed by the Court of Ms. Shivani Garg, Civil Judge (Jr. Divn.), Kapurthala vide order dated 19.11.2022. The applicant belongs to a poor family as such, he is using very meager amount of electricity and regularly paying electricity bill and nothing is due towards the applicant. No such occurrence has taken place as alleged by the complainant. The case is totally false and motivated and applicant has not committed any alleged crime. There is apprehension of his arrest at the hands of police. Conclusion of trial will take time. Applicant/accused undertakes to abide by the terms to be imposed while releasing on bail and accordingly, it is prayed that his bail application be allowed.

ARGUMENTS BY LD. ADDL. PUBLIC PROSECUTOR:-

4. On the other hand, the learned Addl. P.P for the State has hotly opposed the submissions of learned counsel for the applicant. He has argued that in order to bring truth on record and for proper facilitation of investigation, custodial interrogation of applicant/accused is necessary and applicant/accused does not deserve the concession of anticipatory bail. Accordingly, a prayer is made for dismissal of the bail application.

5. Further, ASI Inderjit Singh has appeared and suffered a statement that as per the record, no bail application under provisions of

Section 438 Cr.P.C. or 439 Cr.P.C./ 482 BNSS or 483 BNSS has been filed before the Hon'ble High Court or decided by it or by any other Superior Court against the present applicant/ accused in the present case.

6. **I have heard the Ld. Counsel for the applicant/accused and Ld. Addl.P.P. for the State and have also gone through the record.**

7. Record perused. The allegations against the applicant/ accused in the present FIR are that he was found stealing electricity and on the basis of said allegations, present FIR was registered.

8. I have considered the rival submissions of learned counsel for the parties, besides perusing the record. While hearing the bail application, it is well settled that Court is not required to appreciate and scrutinize the evidence in detail. However, for deciding such application, nature of offence, manner in which it is alleged to have been committed, role attributed and also other circumstances are required to be considered.

9. Apart from the aforesaid, when the totality of the facts which are before the court are taken glance of, coupled with due assistance rendered and the ratio decided in laid down by the constitutional bench of the Hon'ble Apex Court in **Gurbax Singh Sibia Versus State of Punjab,1980(2)Supreme Court cases 565**, wherein it has been made abundantly clear that while deciding the application U/s 438 of Cr.P.C. (section 482 BNSS) that the court has to strike the balance between the liberty of the citizens and interest of general public at large, the court is of the considered opinion that the custodial interrogation of the applicant is not at all required in the present case.

10. Having gone through the contents of the complaint filed by the complainant, and considering the guidelines, with regard to grant of anticipatory bail, I am of the view that the present applicant deserves to be allowed. Accordingly, application is hereby, allowed, and in the event of his arrest, applicant, enumerated above, is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like sum each to the satisfaction of IO/SHO of PS Anti Power Theft Jalandhar, subject to the conditions that the applicant/ accused not to obstruct or hamper the investigation or not to play mischief with the evidence collected or yet to be collected by the police and not directly and indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to disobey from disclosing such facts to the court or any police officer. Papers be consigned to the record room.

Pronounced
Dated:09.09.2024

Kaushal

(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge, Kapurthala
UID No.PB00223)

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Statement of ASI Inderjit Singh has been recorded.

Police record has been produced. Arguments heard and vide my separate detailed order of even date, the instant application filed U/s 482 of BNSS is allowed, as detailed therein. Papers be consigned to the record room.

Dated:09.09.2024
Kaushal

(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge, Kapurthala
UID No.PB00223)