

Davinder Singh alias Dalwinder Singh Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Oct. 26, 2010

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 438

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Judgement

Mehinder Singh Sullar, J.

Having exercised his right of anticipatory bail and lost in the Court of Addl. Sessions Judge, Petitioner Davinder

Singh alias Dalwinder Singh, has directed the present petition for anticipatory bail in a case registered against him, vide FIR No. 50 dated

20.4.2010, on accusation of having committed the offence punishable u/s 135 of the Electricity Act (for short ""the Act"") by the police of Police

Station Anti Power Theft, PSEB, Verka, Amritsar, invoking the provisions of Section 438 Code of Criminal Procedure.

2. Notice of the petition was issued to the State.

3. Having heard the learned Counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the

entire matter, to my mind, the present petition deserves to be accepted in this context.

4. What is not disputed here is that the Petitioner has already deposited half of the amount as per instructions of the Electricity Board. The learned

State counsel, on instructions from ASI Balbir Singh, has submitted that the Petitioner has already joined the investigation and he is no longer

required for further interrogation at this stage. Whether the provisions of Section 135 of the Act are attracted to the facts of the present case would

be a moot point to be decided by the trial Court at the time of trial. Moreover, there is no history of previous involvement of the Petitioner in any

such case.

5. So, taking into consideration the totality of the facts and circumstances, emanating from the record, as discussed here-in-above and without

commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, the present Petitioner is

entitled to anticipatory bail in the obtaining circumstances of the present case.

6. Consequently, it is directed that in the event of his arrest, the Petitioner shall be released on anticipatory bail on his furnishing bail and surety

bonds in the sum of Rs. 10,000/- to the satisfaction of Arresting Officer, subject to the conditions that (i) he shall make himself available for

interrogation by the Investigating Agency as and when required; (ii) he 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 and (iii) he

will not leave India without prior permission of the trial Court.

7. Needless to mention that in case, the Petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move an

application for cancellation of his bail, in this relevant connection.