
(2022) 03 UK CK 0129

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 290 of 2022

Kuvar Pal Singh

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 22-03-2022

Acts Referred:

Electricity Act, 2003 — Section 135
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2022) 03 UK CK 0129

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Parikshit Saini, Lalit Miglani

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. Challenge in this petition is made to the charge-sheet no. 78 of 2019, cognizance/summoning order dated 04.08.2021 and entire proceedings of Special S.T No. 888 of 2021 under Section 135 of the Electricity Act, 2003, pending in the court of District and Sessions Judge, Haridwar, District Haridwar (for short "the case").

2. Heard learned counsel for the parties and perused the record.

3. The case is based on an FIR lodged by respondent no.2, the informant. According to the FIR, when Power Corporation officials were on regular patrolling on 15.02.2019 at around 1:15 PM, they found that the applicant has made a cut in electricity cable prior to the meter. Thereafter, the aforesaid FIR was lodged against the applicant under Section 135 of Electricity Act as FIR No. 41 of 2019 at Police Station Ranipur District Haridwar.

4. It is this matter, in which, after investigation, charge sheet was submitted. Cognizance has been taken. The applicant was summoned under Section 135 of

Electricity Act.

5. Learned counsel for the petitioner at the very outset submits that directions may be given to the court below to consider the bail application of the petitioner, in view of the judgment in the case Satendra Kumar Antil vs. Central Bureau of Investigation and another, 2021 SCC Online SC 922.

6. This is a petition under Section 482 of Code of Criminal Procedure, 1973. The scope is much wide, but also guided by the principles as laid down by the Hon'ble Supreme Court.

7. In the instant case, FIR discloses commission of cognizable offences. After investigation, the allegations have been found to be true. There appears to be no reason to make any interference in the proceedings. Even, as stated, on behalf of the petitioner no arguments have been made, on merits.

8. In the case of Satendra Kumar Antil (supra), the Hon'ble Supreme Court laid down the guidelines for deciding of the bail application. For that purpose, the cases have been divided under four categories. The Hon'ble Supreme Court has observed that the trial courts and the High Courts will keep in mind the aforesaid guidelines, while considering the bail application. This Court has no doubt, that as and when, the petitioner approaches the trial court for bail, the trial court shall definitely follow the directions given in the case of Satendra Kumar Antil (supra). No separate directions of this Court are required for that purpose.

9. With the above observations, the petition stands disposed of.