

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

(204)

CRM-M-5844-2016

Decided on: July 26, 2016.

Natha Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: None for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered on the allegations that he had blocked the National Highway and thereby interrupted the movement of traffic on National Highway No.1 near Beas on 16.10.2015 onwards till 21.10.2015.

With the assistance of learned State counsel, I have gone through the police file which indicates that the case of the prosecution is that the petitioner along with named persons and a group of 252-300 unnamed persons blocked G.T. road i.e. National Highway No.1 on 16.10.2015 at 10:00 PM till 17.10.2015 at 05:00 AM and thereafter from 17.10.2015 at 12'O clock till 21.10.2015.

The alleged offence, prima facie, falls under Section 283 IPC which is bailable. So far as the commission of offence under Section 8-B of the National Highway Act is concerned, perusal of Section 8-B of the said

Act indicates that it has to be read along with Section 8-A of the said Act. It will certainly be a debatable issue whether the petitioner could be said to have committed any mischief under Section 8-B of the National Highway Act.

Learned State counsel has vehemently contended that the act of the petitioner could have paralyzed the functioning of the entire State causing prejudice to the general public.

Without expression of any opinion on merits, I am of the opinion that the extent of liability of the petitioner as individual in an unlawful assembly of more than 250 people will be a debatable issue. It is not a case of custodial interrogation.

The petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

July 26, 2016
harsha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No