

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M- 378 of 2017 (O&M) Date of Decision: 14.02.2017

Jagdish

--Petitioner

Versus

State of Haryana

--Respondent

2. CRM No. M- 1657 of 2017 (O&M)

Daya Ram

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Abhishek Yadav and Mr. Aditya Yadav, Advocates
for the petitioners.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-378 of 2017 (Jagdish Vs. State of Haryana) and CRM No. M-1657 of 2017 (Daya Ram Vs. State of Haryana) as both these petitions have been filed under Section 438 Cr.P.C seeking concession of pre-arrest bail to the petitioners in case F.I.R. No.363 dated 21.12.2016 under sections 3 of PDPP Act, 120-B, 279 and 336 of I.P.C, registered at Police Station, Kasola, District Rewari.

While issuing notice of motion in CRM No. M-378 of 2017, the following order was passed by this Court on 12.01.2017:-

“The petitioner is seeking anticipatory bail in FIR No. 363, dated 21.12.2016, under Section 3 of Prevention of Damage to Public Property Act and Section 120-B, 279 and 336 IPC, registered at Police Station Kasola, District Rewari.

Learned counsel for the petitioner contends that the petitioner is owner of the Truck and the allegations in the FIR pertain to the Truck being driven in a rash and negligent manner as well as carrying load beyond its capacity. Learned counsel further contends that there is no allegation against the petitioner as such in the FIR.

Issue notice to respondents.

At the asking of the Court, Ms. Tanushree Gupta, learned DAG, Haryana, accepts notice on behalf of the respondent. Learned counsel for the petitioner is directed to supply copy of paper book to learned State counsel during the course of the day.

List on 14.02.2017.

In the meantime, petitioner is directed to join investigation and appear before the Investigating Officer on 19.01.2017 at 10.00 A.M.

In the event of his arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions stipulated in Section 438(2) Cr.P.C.”

Likewise, notice of motion order dated 19.01.2017 passed by this Court in CRM No. M-1657 of 2017 reads in the following terms:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.383 dated 29.12.2016, under Sections 279/336/120-B of Indian Penal Code and 3(2) of Prevention of Damage to Public Property Act, registered at Police Station, Kasola.

Counsel submits that in all 24 separate FIRs have been registered on the allegations that the police authorities during the routine patrolling duty apprehended a number of trucks/trollies owned by different persons and who are being plied on public highways being overloaded and as such offence under Sections 279 IPC, 336 IPC as also Section 3(2) of the Prevention of Damage to Public Property Act, 1994 read with Section 120-B IPC have been registered.

Counsel would advert to the order dated 12.01.2017 passed by a Coordinate Bench of this Court in CRM No. M-378 of 2017 (Jagdish Vs. State of Haryana) and in terms of which ad interim protection as regards arrest has been granted to the petitioner therein and who was also the

owner of the vehicle in question and against whom there were identical allegations. Counsel submits that the present petitioner is also the owner of the offending vehicle and on the ground of parity itself, he is entitled to pre-arrest bail.

Notice of motion, returnable by 14.02.2017.

To be listed along with CRM No. M-378 of 2017.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Gobind Parshad would apprise the Court that both the petitioners in these connected petitions have since joined investigation and are not required for any custodial interrogation.

Accordingly, the present petitions are allowed. The orders dated 12.01.2017, passed in CRM No. M-378 of 2017 and dated 19.01.2017 passed in CRM No. M-1657 of 2017, are made absolute.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.02.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No