

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-25555-2018 (O&M)
Date of Decision: 24.08.2018

Bhala Ram

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Raman Goklaney, Advocate for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.

...

Inderjit Singh, J.

CRM-21585-2018

Application is allowed, subject to all just exceptions.

Criminal Misc. No. M-25555-2018

Petitioner Bhala Ram has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.04 dated 16.05.2018, registered at Police Station Khui Khera, District Fazilka, under Section 70 of the Canal Act, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 379 of Indian Penal Code.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the FIR, the main allegation against the present petitioner is that he has laid down underground pipe and irrigation has been

done in an illegal manner.

In pursuance of the interim order dated 12.06.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 12.06.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

24.08.2018

Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No