

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

**CRM-M-28650-2018
Date of decision: 15.10.2018**

Bhajan Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. K. Saman, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 07 dated 24.05.2018, under Section 379 IPC, Section 70 of Canal Act and Section 3 of Prevention of Damage of Public Property Act, 1984, registered at Police Station Khui Khera, District Fazilka.

The operative part of the order dated 12.07.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the FIR was registered on a secret information and the petitioner was not named in the FIR. It is further submitted that it will be a debatable issue whether the offence under Section 379 IPC read with Section 3 of Prevention of Damage of Public Property Act, 1984 is made out in this case or not, in view of the provisions of Section 70 (16) of the India Canal and Drainage Act, 1873.

Notice of motion for 15.10.2018. ”

Learned counsel for the petitioner submits that the petitioner, in

pursuance to the order dated 12.07.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Gurminder Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 12.07.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

October 15, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No