

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

Criminal Misc. No. M-4083-2018

Date of Decision: 09.07.2018

Shadi Ram (depicted as Pawan Kumar Cashier)

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S. Swaich, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

...

Inderjit Singh, J.

Petitioner-Shadi Ram (depicted as Pawan Kumar Cashier) has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.62 dated 25.08.2017, registered at Police Station City-II, Mansa, under Sections 307, 436, 427, 188, 120-B, 148, 149 of Indian Penal Code, Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 and Sections 3 and 4 of the Explosive Substances Act, 1908 (Sections 307, 427, 188, 120-B, 148, 149 of Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984 and Sections 3 and 4 of the Explosive Substances Act, 1908 added later on).

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.

Learned State counsel has filed the reply and states that during

the inquiry, the petitioner has been found innocent. He also submits that the

present petitioner has already resigned from the 15 Members Committee of the Dera Sacha Sauda, Sirsa on 2nd June, 2017 i.e. much before the occurrence, which took place on 25.08.2017.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR. He has only been nominated on the statement of witness Tirath Pal. Shri Tirath Pal has been examined as PW2 in the Court and has not supported the prosecution version.

Moreover, in pursuance of the interim order dated 21.02.2018, 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 21.02.2018, 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.

09.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No