

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

CRM-M-44971-2018

Date of Decision: 16.10.2018

Mandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Karan Garg, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought anticipatory bail under the provision of Section 438 Cr.P.C in case FIR No.131 dated 19.09.2018 registered under Sections 395/353/186/188/148/149 IPC and Sections 134/135 of Representation of People Act, 1957 and Section 3 of Prevention of Damage to Public Property Act, 1984, at Police Station Dayalpura District Bathinda.

2. Allegations against the petitioners are that they have captured booth No.17 and tampered the booth to the extent of taking out about 600 votes. Consequently, re-polling was done on the next date. Petitioner's name has been cropped up with reference to the statement made by one Mohinder Singh who was a polling agent at booth No.17. Thereafter, Mohinder Singh filed an affidavit stating that he has not given any statement relating to identification of any person with regard to alleged incident vide Annexure P-3. It was also submitted that due to party faction, petitioner has been unnecessarily implicated.

3. Per contra, learned State counsel while resisting the claim of the petitioner submitted that once polling agent of booth No.17 Mohinder Singh has disclosed the petitioner's name and subsequently making

representation to the DGP, Punjab to the extent that he has not given any statement with regard to identification of any person. Such statement cannot be taken into consideration for the reasons that at the time of investigation, petitioner's name has been cropped up at the behest of Mohinder Singh Polling Agent at booth No.17.

4. Heard learned counsel for the parties.

5. Perusal of FIR, it is evident that allegation is relating to booth capturing of booth No.17 by large number of persons. Petitioner's name has been identified by one Mohinder Singh who was polling agent at booth No.17. Perusal of Annexure P-2, it is evident that petitioner was appointed as polling agent at booth no.19. That apart Mohinder Singh has given a statement before the DGP, Punjab vide Annexure P-3 to the extent that he has not given any statement with regard to identification of any person. Having regard to the statement of Mohinder Singh read with the fact that petitioner was appointed as polling agent at booth No.19, petitioner has made out prima facie case for anticipatory bail.

6. Accordingly, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on pre-arrest anticipatory bail by the Investigating Officer on his furnishing bail/sureties bonds to his satisfaction subject to the conditions as envisaged under Section 438(2) Cr.P.C.

6. Petition is allowed accordingly.

16.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**