

S.No.211

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

CRM-M-45662 of 2018 (O&M)

Date of Decision:04.12.2018

Jai Partap SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. C.M. Munjal, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. I.S. Mann, Advocate for the complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.51 dated 01.03.2018 registered under Sections 131/132/134/135-A of Representation of People Act, 1951 and 1988 at Police Station Patran, District Patiala.

Counsel for the petitioner has contended that the petitioner had never been inside the booth, which was alleged to be captured. It had further been stated that if he was found to be inside the booth in any video then he would be ready to pay a heavy costs of Rs.15 lakhs. Accordingly, notice of motion was issued.

The State was directed to file the status report in this case. Status report has been filed in the Court and the same is taken on record. In the status report, it is pointed out that some police officials were also found negligent, while on duty at the said booth. After holding a regular inquiry, the major punishment of forfeiture of two years service has been inflicted upon them.

So far as the petitioner's presence inside the booth is concerned, the State Counsel, on instructions from ASI Harwinder Singh, submits that in the video, the petitioner is not seen inside the booth. However, he was

present in the building complex where the said booth the situated.

Learned counsel for the complainant submits that the petitioner had, in fact, taken one of the candidates out of the premises forcibly.

In view of the above, the participation of the petitioner in the alleged capturing of the booth is a moot point; which will be determined during the trial.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is directed that in case the petitioner is arrested, then he will be released on bail by the Arresting Officer subject to the petitioner's furnishing bonds/ sureties to the satisfaction of the Arresting Officer. However, this is subject to the fact that the petitioner joins the investigation within a period of two weeks.

It is further clarified that in case the petitioner does not so join the investigation, then it would be open to the State to move an application for cancellation of anticipatory bail of the petitioner.

December 04, 2018

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No