

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48894-2018 (O&M)
Date of Decision:-02.11.2018.

Gurpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

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

P.B. BAJANTHRI, J. (Oral)

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

Learned counsel for the petitioner submitted that submitted that matter is covered by the decision passed by this Court in **CRM-M-44971-2018 (Mandeep Singh Vs. State of Punjab)** decided on 16.10.2018.

There were serious allegations against the petitioner and others in respect of booth capturing of Booth No.17 while tampering booth to the extent of taking out around 600 votes. Consequently, re-polling was done on the next date. Petitioner's name has been cropped up. One of the reasons

for implicating the petitioner is with reference to Mohinder Singh complainant as well as affidavit in identifying the petitioner and others. Even though Mandeep Singh later on stated that he has not identified the persons like petitioner that does not absolve the allegations. It is a matter of investigation. Custodial interrogation is required and it is in violation of Representation of People Act, 1957 read with the offences under IPC. Present petitioner's grievance is not identical to that of Mandeep Singh for the reasons that Mandeep Singh was a polling agent of Booth No.19 to the extent it could be distinguished that prima facie he was in Booth No.19. Therefore, question of his presence in Booth No.17 to involve in the alleged incident do not arise. In other words, factual aspects are required to be taken into consideration of each and every case. Consequently, petitioner has not made out a case on par with Mandeep Singh.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 02, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.