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

CRM-M-16082 of 2020

Date of decision: July 07, 2020

Gurdit Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Grewal, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

Mr. Rahul Vijay Singh Chugh, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioners, in FIR No.38 dated 19.05.2020, under Sections 435, 427, 34, 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Sections 3 & 4 of the Prevention of Damage to Public Property Act, 1984 (for short 'Act'), registered at Police Station Jaurkian, District Mansa.

As per prosecution case, petitioners interrupted the working of the Irrigation Department by damaging the pipes meant for providing water to the public at different villages and thus, caused it a loss to the tune of ₹30-35 lacs.

Contentends that petitioners are in custody since 19.05.2020,

they have already joined investigation and nothing is to be recovered from them. Also contends that there is no other criminal case pending against the petitioners.

The above factual position is duly acknowledged by learned State counsel, on instructions from police official.

Heard both sides and perused the paper-book.

Since the offences are triable by the Magistrate and nothing is to be recovered from the petitioners; moreover, there is no other criminal case pending against them in any police station, therefore, there is no justification for prolonging the incarceration of the petitioners. Consequently, this Court deems it appropriate to release the petitioners on bail pending trial.

In view of the above, this petition is allowed. Petitioners are ordered to be released on bail, in this case, on their furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that petitioners shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 07, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No