

107
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 16402 of 2020
Date of decision: 24.06.2020

Baljinder Singh

.....Petitioner

V/s.

State of Punjab

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Gagandeep Singh, Advocate,
for the petitioner.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

Sanjay Kumar, J.

The petitioner is the accused in FIR No. 18 dated 13.02.2020 on the file of P.S. Bhadaur, District Barnala, registered under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 379 IPC. By way of this petition, he seeks grant of anticipatory bail under Section 438 Cr.P.C.

Admittedly, FIR No. 7 dated 22.01.2020 was earlier registered against the petitioner on similar allegations and he has already been granted anticipatory bail in relation thereto on 22.01.2020. Surprisingly, the police authorities would have it that the petitioner could not be arrested on the spot in both cases despite the other accused being apprehended.

Mr. Gagandeep Singh, learned counsel for the petitioner, would contend that the petitioner was not even present at the spot and that this case has been foisted upon him. This fact would have to be determined only after due investigation and trial. Meanwhile, this Court is of the opinion that the petitioner would be entitled to protection subject to conditions.

The petition is accordingly allowed directing release of the petitioner in the event of his arrest in FIR No. 18 dated 13.02.2020 on the file of P.S. Bhadaur, District Barnala, subject to the petitioner furnishing a personal bond for a sum of Rs. 20,000/- along with two sureties for a like sum each to the satisfaction of the Investigating/Arresting Officer. The petitioner shall also abide by the conditions stipulated under Section 438(2) Cr.P.C.

(SANJAY KUMAR)
JUDGE

24.06.2020

rakesh

whether speaking/non speaking

: Yes/no

whether reportable/non reportable

: Yes/no