

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M No.18041 of 2020
DATE OF DECISION : 9th JULY, 2020

Tehal Singh & another

.... **Petitioners**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.117 dated 20.06.2020 registered under Sections 379, 427, 506, 148 & 149 IPC and Section 25/27 of Arms Act, 1959, at Police Station Sadar Bathinda, District Bathinda.

It is contended by counsel for the petitioner that the case against the petitioners is totally fabricated. The petitioners have not committed any crime as alleged against them. In fact, the petitioner No.1 is the *Sarpanch* of the village. The complainant intended to drain out his waste water into the common land; which has already been given on lease for agricultural purposes to some other person. The petitioner No.1 had only tried to stop him from doing this mischievous act. Even the officers of the administration were present on the spot. However, seeing that the complainant had called them for ensuring his illegal act, even they had retreated from the spot. The complainant had not disclosed correct facts

before the officers, who had reached the spot. In any case, the petitioners are ready to join the investigation.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State and Mr. P. S. Sekhon, accepts notice on behalf of the complainant.

Learned State counsel, being instructed by ASI Gurmeet Singh, has submitted that the name of the petitioners is specifically mentioned in the FIR. However, it is not disputed that petitioner No.1 is *Sarpanch* of the Village and the land, where the complainant was trying to drain out the water, is a common land.

Learned counsel for the complainant has vehemently opposed the petition. It is submitted by the counsel for the complainant that the complainant had moved application to the administration for ensuring the peace at the time when he lays his pipeline. However, even he has not disputed that petitioner No.1 is the *Sarpanch* of the Village and that the land where water had been sought to be drained out by the complainant, is a public land.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

9th JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>