

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24574-2020
Date of Decision: 12.10.2020

DEEPAK

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Shubham Kaushik, Advocate for the petitioner
Mr.Ashok Kumar Sehrawat, DAG Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.241, dated 14.08.2020, registered under Sections 379, 506, 34 IPC and Section 3 of the Public Property (Prevention of Damage) Act, 1985.

The allegations against the petitioner are that the FIR in which the petitioner seeks anticipatory bail was lodged on the complaint of the present Sarpanch as per which the petitioner demolished the drain in the village and stole five cement bags.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the case on account of political rivalry as he is the son of ex-Sarpanch and the present Panch of the village; all that the petitioner was trying to show was the poor quality of the material with which the construction of the drain in the village has been carried out; the demonstration by the petitioner was done in the presence of the concerned Block Development and

Panchayat Officer as also the SDO Panchayati Raj and that the allegations against the petitioner with regard to stealing five cement bags clearly falsify the prosecution case.

Learned State counsel admits that the petitioner has joined investigation and has cooperated with the investigating agency but opposes the grant of anticipatory bail to him on the ground that he has caused damage to the public property.

It is not disputed that the petitioner is the son of the ex-Sarpanch and sitting Panch of the village and therefore whether he has been falsely implicated by the sitting Sarpanch would be a debatable issue during the course of the trial.

Considering the totality of the above facts and especially the admission by the learned State counsel that the petitioner has joined investigation and has cooperated with the investigating agency this Court is of the opinion that the custodial interrogation of the petitioner is not necessary.

In view of the above, the order of this Court dated 27.08.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

12.10.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No