

Crl. Misc. No. M-25693 of 2020

Date of Decision: September 02, 2020

Gram Panchayat through Sarpanch

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sartaj Singh Thakur, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The Gram Panchayat has filed this petition for cancellation of anticipatory bail granted by learned Additional Sessions Judge, Patiala vide order dated 06.08.2020 (Annexure P-1).

FIR No. 87 dated 10.07.2020 was registered under Sections 431, 427, 34, 379, 186 IPC at Police Station Sadar, Rajpura, District Patiala, on account of the accused persons having damaged 10 feet stretch of a road and for having stolen 85 Kgs of steel (saria).

Learned Additional Sessions Judge, Patiala granted interim bail which was confirmed vide order dated 06.08.2020 as the accused persons had joined investigation and were cooperating therewith.

Learned counsel for the petitioner submits that the order granting bail deserves to be set aside as no recovery has been effected, monetary loss has been caused to the Gram Panchayat. The learned Additional Sessions Judge, Patiala has failed to take this aspect into consideration.

A perusal of the FIR shows that the same was registered on a complaint made by the Block Development and Panchayat Officer, Rajpura.

According to the complaint, the loss suffered was assessed at Rs. 10,535/- only.

Thus, assuming that the contents of the FIR are absolutely true, no substantial recovery is to be effected from the accused persons. Moreover, proceedings under Section 438 Cr.P.C. are not in the nature of recovery proceedings and, thus, no error has been committed by learned Additional Sessions Judge, Patiala.

The petition has no merit and is, thus, dismissed.

September 02, 2020

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No