

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20939 of 2021 (O&M)

Date of decision : 28.7.2021

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Parvinder Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr.Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner –
Parvinder Kumar, aged 56 years, son of Tara Chand, resident of
village House No. 75, Adarsh Nagar, Tehsil Dabwali, District Sirsa,
being accused in FIR No. 165 dated 13.5.2021, for offence under
Sections 379, 430 IPC, (Section 3, 4 of Prevention of Damage to
Public Property Act, 1984, added later on), registered at Police
Station Dabwali Sadar, District Sirsa.

In nutshell, the prosecution story is Sub Divisional Engineer, Public Health Engineering Sub Division No.2, Mandi Dabwali, sent a written complaint to Police Station Sadar, Dabwali, on 13.5.2021, wherein he stated that as informed by Sarpanch Gram Panchayat, Matdadu and other members, petitioner Parvinder Kumar had been stealing canal water by installing 2 pipes of 2 ½ ft. in between canal and water house. On the basis of that written complaint, formal FIR was registered.

Apprehending his arrest in this case, petitioner accused had approached the Court of Sessions at Sirsa, by filing an application for grant of pre-arrest bail. His such application, which was assigned to Additional Sessions Judge, Sirsa, was dismissed vide order dated 20.5.2021, as such the petitioner has approached this Court craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The allegations against the petitioner are of theft of canal water, which allegations are vehemently denied by the petitioner contending that he is Ex-Speaker of Indian National Lok Dal, besides engaged in business of finance at his premises M/s Kashmiri Lal Parvinder Kumar commission Agent, New Anaj Mandi, Dabwali and is financially sound. The petitioner has civil litigation with one Surjit Kaur, whose son Janak Singh in connivance with Prithvi Singh, Sarpanch of Gram Panchayat of village Matdadu and others have got

registered the present FIR as a pressure tactics. The petitioner has joined the investigation and no recovery is to be effected from him. Therefore, the petition be accepted.

Learned State counsel, has opposed the petition, though admitting that petitioner has joined the investigation.

Keeping in view the nature of the case, I find that custodial interrogation of the petitioner is not necessary. The petitioner is not shown to have any past criminal record and considering the facts and circumstances of the case the petition calls for acceptance. The same is allowed.

The interim bail granted to the petitioner vide order dated 26.5.2021 is made absolute, subject to fulfillment of following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing.
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport then he shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be

entitled to apply for cancellation of bail.

The petition in that way is allowed.

28.7.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No