

CRM-M-5328-2023

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5328-2023
Date of decision: 02.05.2023

CHANDER PARKASH KALRA AND ORS.

...Petitioners

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sahil Dev Singh Bali, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURBIR SINGH J. (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioners in case FIR No.02, dated 05.01.2023, under Sections 430, 506, 34 of IPC, and Section 3 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Sadar Jalalabad, District Fazilka, Punjab (Annexure P-1).

On 02.02.2023, the following order was passed:-

“Learned counsel for the petitioners submits that there is no sanctioned water course existing at the spot. Information was sought from Sub Divisional Officer, Eastern Canal Division, C.C. Ferozepur vide Annexure P-1/A about the existence of water course at the spot under the Northern Indian Canal & Drainage Act, 1873. A reply was received that water outlet No.105080/R Canal Ladhu ka was managed by mutual understanding. As per the copy of Jamabandi (Annexure P-2), the mode of

irrigation is mentioned as tube well. He further submits that there is no damage to public property but Section 3 of the Prevention of Damage to Public Property Act, 1984 has been wrongly attracted in the FIR. Other offences are bailable.

Notice of motion.

At the asking of the Court, Mr. Jaiteshwar S. Bhandari, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. A copy of the paper book be supplied to him during the course of the day. He seeks some time to file status report.

Adjourned to 02.05.2023.

Meanwhile, in the eventuality of arrest of the petitioners in the instant case, they shall be enlarged on interim bail subject to their furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioners shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioners shall abide by the conditions as laid down under Section 438 (2) Cr.P.C. in letter and spirit.”

Status report by way of an affidavit of Atul Soni, PPS, Deputy Superintendent of Police, Sub Division, Jalalabad on behalf of the respondent-State has been filed today in the Court and the same is taken on record. Copy thereof has been supplied to the counsel opposite.

Learned State counsel, on instructions from Investigating Officer, submits that in compliance of the order dated 02.02.2023, the petitioners have already joined the investigation and they are not required for any custodial interrogation.

In view of above, the order dated 02.02.2023, granting interim bail to the petitioners, is made absolute. The petitioners shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

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Petition is disposed of accordingly.

02.05.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No