

208

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-49335-2023

Date of decision : 18.10.2023

Mohan Lal**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present :- Mr. Pardeep Sharma, Advocate and
Mr. Deepak Sharma, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

*********RAJESH BHARDWAJ, J. (Oral)**

This is the third petition filed by the petitioner praying for grant of regular bail in case FIR No.03 dated 12.01.2023, under Sections 365, 323, 342, 506, 34, 120-B of Indian Penal Code and Section 3 of Prevention of Damage to Public Property Act and Enhanced Offence under Section 379-B IPC vide Rapat No.19 dated 13.01.2023 at Police Station Bahav Wala, District Fazilka.

As per facts of the case, the complaint was lodged by the BDPO Khuhian Sarver wherein it was alleged that the construction work on the pond of the Village was going on and the labour was deputed for carrying out the work. He submits that during that period, Mohan Lal (petitioner) and his sons namely, Kahna Ram and Krishan Kumar obstructed the ongoing work. However, when the masons did not stop the work, they abducted them and inflicted injuries upon them. The BDPO was informed who came to the spot and got the masons kidnapped by the

accused released. As the accused had committed the offence, request was made to take legal action against the accused persons. Thereafter, the formal FIR was lodged and the investigation commenced. The accused-petitioner was arrested on 12.01.2023. He approached the Court of learned Additional Sessions Judge, Fazilka praying for grant of bail however, the same was declined. Thereafter, the petitioner approached this Court twice praying for grant of bail. However, both the petitions filed were dismissed as withdrawn. Hence, this is the third bail petition filed by the petitioner.

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in this case as the petitioner filed the complaint against the complainant and Sarpanch of the Village and thus, as an act of vendetta, petitioner and his sons were falsely implicated in this case. He submits that both the sons of the petitioner who were the co-accused have been granted anticipatory bail. It is submitted that Kahna Ram was granted anticipatory bail by the Hon'ble Supreme Court on 17.07.2023 and thereafter, Krishan Kumar was granted anticipatory bail by this Court. He has submitted that the investigation is complete, challan has been presented qua the petitioner. He has further submitted that no other case is there against the petitioner and thus, in the facts and circumstances of the case, petitioner deserves to be granted bail.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. She submits that there are specific allegations against the petitioner and the co-accused not only obstructed the ongoing work being carried out in the Village under the Management of the Administrator but also kidnapped the masons and

caused injuries to them. She submits that the challan has been presented in this case qua the petitioner. She further submits that as per her instructions, petitioner has no criminal antecedents.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 12.01.2023 and since then he is behind bars. As submitted before this Court, the investigation is complete qua the petitioner and challan has already been presented. There is nothing on record to show that petitioner has any criminal antecedents. Both the co-accused in this case have already been granted anticipatory bail.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.10.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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