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

CRM-M-52328-2023

Date of Decision: 22.11.2023

Dharamjeet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sukhpal Singh, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.68 dated 14.06.2023 under Sections 379, 341, 506, 148, 149 of IPC, 1860 and Section 21 of Mining and Minerals Act, 1957, registered at Police Station Koomkalan, Ludhiana.

2. Learned counsel for the petitioner contends that the tractor trolley involved in the present case was not driven by the petitioner. Rather, as per the allegations levelled by the complainant in the FIR, tractor trolley was being driven by Surinder Singh @ Laddi. Learned counsel further contends that the occurrence had take place on the night intervening of 23/24.04.2023, whereas the FIR has been got registered by the complainant on 14.06.2023, after 50 days. Even there is no other evidence against the present petitioner. The police had recovered the CCTV footage and the said CCTV footage is not clear.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more case of similar nature is pending against the petitioner. Apart from that, three more cases under various provisions of IPC are also pending against the petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. As per the allegations levelled in the present case, the tractor trolley was being driven by Surinder Singh @ Laddi, who allegedly fled away from the spot. Even the petitioner was not arrested at the spot and the FIR has been registered after a delay of 50 days.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

22.11.2023

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(N.S.SHEKHAWAT)
JUDGE

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