

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-57113-2023(O&M)

Date of Decision:-01.12.2023

Sukha Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kanwar Pahul Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

CRM-49924-2023

The prayer in the application under Section 4982 Cr.PC is for early hearing of the main petition.

Heard.

For the reasons stated in the application, the same is allowed and the date of hearing in the main petition is preponed from 23.01.2024 and is taken up today itself for hearing.

CRM-M-57113-2023

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.138 dated 06.08.2023 under Sections 353, 186, 332, 379-B, 427, 452, 148, 149 IPC registered at Police Station Lopoke, District Amritsar Rural.

2. The present FIR came to be registered on the basis of a written complaint moved by Nirmaljit Singh, SSE 220KV Sub Station, Punjab State Transmission Corporation Limited (Chogwan) against accused Sukha Singh (petitioner), Dharam Singh (since granted bail vide order dated 23.11.2023 in CRM-M-58158-2023), Resham Singh (since granted the concession of interim anticipatory bail by this Court vide order dated 03.11.2023), Motu

and 80/100 unidentified persons with the allegations that on 05.08.2023 at about 10.15 pm the said persons armed with sharp edged weapons forcibly broke open the gate of the Electricity Office of Chogawa and entered the office and while causing hindrance in the official work caused damage to government property of the value of more than Rs.20 lacs. Due to the said damage, the electricity supply remained effected for 02 hours and the department suffered a loss of Rs.3 lacs. The accused also attacked the government officials namely, Lovejot Singh, SSA, Satnam Singh Salama and Guard S. Gursahib Singh. They also snatched the mobile phone of Satnam Singh.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No overt or covert role has been attributed to the petitioner. A similarly situated co-accused Resham Singh had been granted the concession of interim anticipatory bail by this court vide order dated 03.11.2023 and co-accused Dharam Singh had been granted the concession of regular bail. As the petitioner was a first time offender, in custody since 06.08.2023 and none of the 16 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded in near future. Therefore, the petitioner was also entitled to the concession of regular bail.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner and his co-accused of committing vandalism, snatching etc. Therefore, the petitioner was not entitled to the concession of bail. He however, concedes that a similarly situated co-accused has been granted the concession of interim anticipatory bail and another accused had been granted the concession of regular bail and that the petitioner was a first time offender, in custody since 06.08.2023 and none of the 16 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 06.08.2023 and none of the 16 prosecution witnesses have been examined so far. A similarly situated co-accused has been granted the concession of interim anticipatory bail and another accused has been granted the

concession of regular bail. In this situation the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Sukha Singh** son of Sh. Diwan Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

December 01, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>