

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

CRM-M-58158-2023

Date of Decision:-23.11.2023

Dharam Singh.

.....Petitioner.

Vs.

The State of Punjab.

.....Respondent.

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

Present:- Mr. Vipul Aggarwal, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

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, Dharam Singh (petitioner), 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. The alleged role is only of his participation in the incident and that he had brought other persons in his vehicle. A similarly situated co-accused Resham Singh has been granted the concession of interim anticipatory bail by this court vide order dated 03.1.2023. 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 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 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. 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-**Dharam Singh** son of Sh. Hari 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

November 23, 2023
Vinay

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