

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59818-2023 (O&M)

Date of Decision: 21.12.2023

DALBIR SINGH CHAHAL @ DALVIR SINGH CHAHAL

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 229 dated 16.12.2020 registered under Sections 436, 120-B of Indian Penal Code at Police Station Sahnewal, District Police Commissionerate Ludhiana.

2. On 29.11.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.229 dated 16.12.2020 registered under Sections 436, 120-B IPC at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

At the very outset, learned counsel for the petitioner submits that inadvertently, the fact with regard to involvement of the petitioner in one more case i.e. FIR No.193 dated 03.11.2020 registered under Sections 323, 294, 295, 506, 34 IPC at Police Station Sahnewal, Ludhiana has been omitted to be mentioned.

Learned counsel for the petitioner, inter alia,

contends that a perusal of the present FIR indicates that the same was lodged on the ground that the petitioner had sprayed some medicine on the standing wheat crop of the complainant, which damaged his crop. It is further contended that ingredients of Section 436 IPC are missing, as the same can only be invoked if mischief is committed with an intention to destroy the house or dwelling unit by fire or explosive substance. At the most, case under Section 427 IPC could be made out, which is a bailable offence.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent- State and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that he is involved in one more case.

*In rebuttal, counsel for the petitioner relies upon the judgment passed by the Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and another 2020 (1) RCR (Crl) 831 (SC)** to contend that bail cannot be denied on the ground that another case is pending against the accused.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 08.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to*

interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 21.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

- 3. Learned State counsel on instructions from ASI Dinesh Kumar, submits that in compliance of order dated 29.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
- 4. Keeping in view the statement made by learned State Counsel the order dated 29.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
- 5. The petition is accordingly allowed.

21.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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