

CRM-M-58402-2023
Date of decision: 19.03.2024

...PETITIONER

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Gurjas Gill, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

The present petition has been preferred seeking grant of anticipatory bail in case FIR No.110 dated 04.11.2023 under Sections 447, 454, 427 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984, at Police Station Division No.1, District Pathankot.

2. The following order was passed on 24.11.2023 :-

“xxx...

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The present petition has been preferred seeking grant of anticipatory bail in case FIR No.110 dated 04.11.2023 under Sections 447, 454, 427 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984, at Police Station Division No.1, District Pathankot.

Notice of motion.

Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of the State and has filed status report by way of an affidavit of Sh. Sumeer Singh, PPS, Deputy Superintendent of Police, Sub Division-City, District Pathankot along with the transcript of the relevant part of the video.

Learned counsel for the petitioner has submitted that even going by the transcript and the video, it is not the petitioner, who broke the boundary wall of the Civil Hospital, Pathankot, but rather one Karthik Mahajan is the one who allegedly broke the boundary wall and the petitioner was only found to be standing beside him.

Learned counsel for the petitioner further submits that after conducting a detailed inquiry by the concerned official, the statement of the petitioner was also recorded.

Learned counsel for the petitioner submits that it is not a single video clip but many video clips were taken by residents of the society when due to torrential rainfall, the drainage system choked and blocked the natural flow of water.

Heard learned counsel of the parties.

The petitioner is 58 years old man and nothing is to be recovered from him. More so, the entire FIR is based on some video clippings, which are already in possession of the authorities.

Without commenting on the merits of the case, the petitioner is directed to join investigation on 04.12.2023 at 11:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to be satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 17.01.2024.

It is made clear that this order shall not be used as parity or for the other co-accused Karthik Mahajan and the same shall be decided on its own merits.”

3. Learned State counsel, on instructions from ASI Om Parkash, submits that in compliance of order dated 24.11.2023 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 24.11.2023, is made absolute. The petitioner shall abide by the

terms and conditions enumerated in Section 438(2) Cr.P.C.

5. The petition is accordingly allowed.
6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

March 19, 2024
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(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No