

**In the Court of Ms Smriti Dhir
Vacation Judge-cum- Additional Sessions Judge, Sangrur.
UID No.PB0518.**

Bail Application No.1681 of 11.06.2019.
CRN No. PBSG01-005621-2019
Decided on: 17.06.2019.

Mohinder Kaur aged 80 years wife of Ruldu Singh, resident of near Gurudwara Sahib village Tungan, Tehsil and District Sangrur.

..... Applicant.

Versus

State.

FIR No.97 dated 07.06.2019
Under Section 353/186 of IPC
P.S. Sadar Sangrur.

Application under Section 438 Cr.P.C.

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Present: Sh.Vipin Vashisht , Advocate, Counsel for the
applicant.
Sh.Yashdeep Bharadwaj, Addl.P.P for the State

ORDER:

Bail application put up before me during Summer Vacation being Vacation Judge. This order of mine shall dispose off the pre-arrest bail filed by applicant Mohinder Kaur in the above noted case.

2. Notice of the bail application was given to the State through Ld. Addl.PP and record has been requisitioned.

3. The facts as unfurled from the FIR are that complainant Gurdeep Kaur Sarpanch alleged that accused No.1 wife of Ruldu Singh, accused No.2 wife of Gurdev Singh, accused No.3 wife of Baljinder

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Singh and accused No.4 wife of Mukhtiar Singh, residents of Tungan are obstructing the Panchayat work and are trying to illegally take the possession of pond and they sat in front of JCB machine which has been deployed for digging and cleaning of pond and the accused persons have obstructed the official work.Hence, FIR.

4. The Ld. Counsel for the applicant submitted that the present applicant is not named in the FIR. She is an old lady of 80 years of the age. It was further submitted that vide Notification issued by the Punjab Government regarding cleaning of pond, if the Panchayat was undergoing the cleaning drive, then no offence u/s 353 of IPC is made out as there has been no assault and at the most there is disobedience.

5. The Ld. Addl.PP on the instructions of ASI Ajai Singh submitted that there has been drive regarding cleaning and digging of pond vide Notification issued vide letter No.NREGA/2018/CA/4370 dated 22.01.2019. The Panchayat of the village was doing the cleaning and digging of pond and four accused persons have obstructed the officials from discharge of duties as these ladies used to throw manure and garbage in the said pond. The ld. Addl. PP submitted that present accused persons have obstructed the public servant from discharging his official duty so no ground is made out to grant the bail.

6. Heard. Record perused. The present applicant is an old lady of 80 years of age . The question whether the offence under Section 353 of IPC is made out or not is matter of investigation and trial. The applicant is ready to join the investigation and moreover,counsel for the

State has failed to show for what purpose the custodial interrogation of the present applicant is required. No recovery is to be effected from the applicant . In the given set of circumstances without expressing any opinion on the merits of the case, this Court deems it appropriate to grant bail and applicant is directed to join the investigation forthwith and co-operate with the same and in the eventuality of her arrest, the applicant shall be admitted to interim bail, subject to the conditions under Section 438 (2) Cr.P.C. to the satisfaction of the concerned SHO/Investigating Officer/Arresting Officer.

Police file be returned. Report be submitted for 24.06.2019.

Pronounced in open Court on 17.06.2019.

Kulwant Singh Stenographer-1.

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