

(1)

CRM-M-27838-2016

Date of Decision : 16.09.2016

Devender

.....Petitioner

versus

State of Haryana

....Respondent

(2)

CRM-M-28132-2016

Date of Decision:16.09.2016

Amit and others

.....Petitioners

versus

State of Haryana

....Respondent

(3)

CRM-M-28612-2016

Date of Decision:16.09.2016

Shaya Lal @ Shyam Lal and others

.....Petitioners

versus

State of Haryana

....Respondent

(4)

CRM-M-27948-2016

Date of Decision: 16.09.2016

Deshraj

.....Petitioner

versus

State of Haryana

....Respondent

(5)

CRM-M-27844-2016

Date of Decision :16.09.2016

Vikash

.....Petitioner

versus

State of Haryana

....Respondent

(6)

CRM-M-27863-2016

Date of Decision :16.09.2016

MithileshPetitioner
versus

State of HaryanaRespondent

(7) CRM-M-27941-2016
Date of Decision :16.09.2016

KuldeepPetitioner
versus

State of HaryanaRespondent

(8) CRM-M-28113-2016
Date of Decision :16.09.2016

Om ParkashPetitioner
versus

State of HaryanaRespondent

(9) CRM-M-28114-2016
Date of Decision :16.09.2016

Mohan SinghPetitioner
versus

State of HaryanaRespondent

(10) CRM-M-28118-2016
Date of Decision :16.09.2016

Raj Kumar @ Raju and othersPetitioners
versus

State of HaryanaRespondent

(11) CRM-M-28154-2016
Date of Decision :16.09.2016

RajenderPetitioner
versus

State of HaryanaRespondent

(12) CRM-M-28159-2016
Date of Decision :16.09.2016

LekhrajPetitioner
versus

State of HaryanaRespondent

(13) CRM-M-28256-2016
Date of Decision :16.09.2016

Bhooma Ram and othersPetitioners
versus

State of HaryanaRespondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. K.D.S. Hooda, Advocate
for the petitioner in CRM-M-27838-2016,
CRM-M-27844-2016, CRM-M-27863-2016,
CRM-M-27941-2016, CRM-M-27948-2016,
CRM-M-28113-2016, CRM-M-28114-2016,
CRM-M- 28154-2016 and CRM-M- 28159-2016.

Mr. G.P.S. Bal, Advocate
for the petitioner in CRM-M-28118-2016.

Mr. Tarun Deep Kumar, Advocate
for the petitioner in CRM-M-28132-2016.

Mr. Parmod Parmar, Advocate
for the petitioner in CRM-M-28256-2016.

Mr. Pankaj Mehta, Advocate
for the petitioner in CRM-M-28612-2016.

Mr. Deepak Sabharwal, Addl.A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Since all the aforementioned thirteen petitions for bail arise out of the same incident reported vide FIR No. 428 dated 18.11.2014 of Police Station Barwala, District Hisar, they have been taken up for disposal together by this common order.

The FIR in the present case has been registered at the instance of Anil Kumar, Inspector, SHO Police Station Barwala alleging that on 18.11.2014, he along with other officials of the police party were not permitted to enter the Dera of Baba Rampal. When the complainant had made an attempt along with other police officials to enter the Satlok Ashram, a human crowd chain was got created by Baba Rampal, by making 600-700 women and children sit at the main gate. About 4000-5000 young men were guarding the entry gate of the Ashram with datar and lathis etc. Few of them were holding guns. An announcement was made pertaining to the execution of the warrant issued by the High Court. In an attempt to stop the police party to enter the Dera, 10-12 police officials were injured, whereas, 12 police officials received fire arm injuries.

The petitioners have been in custody with effect from the dates mentioned below and the specific role attributed to each individual i.e. throwing of stones, injuring police party or injuries having been received on account of confrontation with the police, have also been mentioned below:-

Sr. No	Petitioners' Name	Custody	Role Attributed	Recoveries
1.	Devender	20.11.2014	RSSS Commando and injured	Lathi, Helmet, Commando Dress
2.	Amit Brij Mohan Devender Krishan Kant Manjeet Manish Manoj Mohu @ Monu Moti Ram Ram Niwas Shamsher Singh Sonu Yogender	22.11.2014 21.11.2014 11.12.2014 22.11.2014 22.11.2014 22.11.2014 21.11.2014 24.11.2014 22.11.2014 22.11.2014 01.12.2014 20.11.2014 22.11.2014	RSSS Commando and injured Threw stones, petrol bombs Threw stones Injured police force Main activist and threw stones Main activist, threw petrol bombs Main Activist	Lathi, Helmet, Dress Lathi, Helmet Helmet, Commando Dress Lathi, Helmet, Dress Lathi, Helmet, Dress Lathi, Helmet, Dress Lathi, Commando Dress Lathi, Dress Lathi, Helmet, Dress Lathi, Helmet, Dress Lathi, Helmet, Dress Lathi, Helmet, Dress Lathi, Helmet, Dress
3.	Shaya Lal Laxman Vinod Hardev Santosh Rajnish Roop Ram Pawan Kumar Sombir Mukesh	22.11.2014 22.11.2014 20.11.2014 20.11.2014 24.11.2014 24.11.2014 24.11.2014 19.11.2014 22.11.2014 22.11.2014	Injured police force Injured police force Injured police force Main Activist Threw Stones Injured Activist and Conspirator	Lathi, Helmet, Dress Lathi, Helmet, Dress Main Activist Stones & Lathis left in Ashram Main Activist Lathi, Helmet, Dress Lathi, Dress Lathi, Dress Lathi, Helmet, Dress Lathi, Helmet, Dress
4.	Deshraj	13.12.2014	Activist & Conspirator who gave his Gun to Rampal and used by Satya Dev	Owner of 12 bore gun
5.	Vikash	24.11.2014	Injured in confrontation with police	Lathi, Dress
6.	Mithilesh	22.11.2014	Injured in confrontation with police	Lathi, Helmet, Dress
7.	Kuldeep	22.11.2014	Injured in confrontation with police	Lathi, Helmet, Dress
8.	Om Prakash	06.02.2015	Main Accused/Conspirator	Conspirator No recovery at demarcated place
9.	Mohan Singh	19.11.2014	Main Activist, Threw Stones	Main Activist No Recovery
10.	Raj Kumar Ankit Hitender Karta Ram Mukesh Naveen Rajender Pardeep	22.11.2014 22.11.2014 20.11.2014 20.11.2014 20.11.2014 20.11.2014 20.11.2014 24.02.2015		Lathi, Helmet Dress Lathi, Helmet Used Petrol Bombs Activist Main Activist Gun Recovery
11.	Rajender	25.12.2014	Main member to manage kitchen	Main Activist
12.	Lekhraj	24.11.2014	Injured in confrontation with police Activist	No recovery
13.	Bhooma Ram Bhoop Singh Deep Kumar Khilawan Kulwant Narsi Pardeep Sobha Ram Vijay	22.11.2014 22.11.2014 22.11.2014 22.11.2014 24.11.2014 22.11.2014 22.11.2014 22.11.2014 22.11.2014	R.S.S.S. Member R.S.S.S. Member	Lathi, Helmet Lathi, Helmet Lathi, Helmet Lathi, Helmet Lathi, Helmet Lathi, Helmet Lathi, Helmet Lathi, Helmet Lathi, Helmet

Learned counsel for the petitioners have submitted that the co-accused of the petitioners, similarly circumstanced, have been granted the concession of bail by this Court.

With the assistance of learned State counsel, I have carefully gone through the statements of the witnesses, recorded during the course of investigation, indicating the specific role attributed to each of the petitioners.

It has been brought to the notice of this Court that petitioners Devender, Sonu and Pawan Kumar are also booked in other FIRs i.e. FIR No. 429 and 430 registered on the same day in the same Police Station both under Sections 302 IPC etc. Keeping in view the involvement of the above said three persons in another case of murder and the active role played by them which has resulted in six deaths and a number of police officials having been injured, they are not found entitled for grant of concession of bail in this case also. However, striking a balance between the right of liberty of the other petitioners and the right of State authority to ensure the presence of each accused on every date of hearing during trial, these petitioners being in custody with effect from November/December, 2014; recoveries having already been effected, no specific role resulting in the death of any person having been attributed to them, they can be granted the concession of bail.

Learned counsel for the petitioners, at this stage, submit that some persons who are involved in other cases under Section 302

IPC etc. have been granted the concession of bail in this case by this Court. The said contention does not carry any weight, at this stage, and of course, they have not even been released on bail in this case as well on account of pendency of the other criminal cases under Section 302 IPC etc. against them.

In view of the aforesaid observations, CRM-M-27838-2016 filed by petitioner Devender is dismissed. CRM-M-28132-2016 is dismissed *qua* petitioner Sonu and allowed *qua* other petitioners. Similarly, CRM-M-28612-2016 is dismissed *qua* Pawan Kumar and allowed *qua* other petitioners. All the remaining ten petitions are allowed. All the petitioners therein are granted the concession of bail. The petitioners in all the above said petitions except for Devender, Sonu and Pawan Kumar, will be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Learned State counsel at this stage has submitted that a great difficulty is being faced by the trial Court as well as the prosecution agency on account of intentional absence of the accused who are released on bail with an objective to delay the proceedings. In order to safeguard the right of the prosecution, it is ordered that the petitioners, who have been granted bail, will be released on bail subject to a condition that they will not directly or indirectly make any inducement, threat or pressure to the persons acquainted with the facts of the case. They will not absent themselves without any sufficient cause. In case, in any circumstance, exemption is sought for by any of

the petitioners, it will be open to the trial Court to exempt his personal appearance on furnishing of an undertaking that evidence as per provisions of Section 273 Cr.P.C. would be recorded without effecting the right of the Court to secure his presence in accordance with law. It will always be open to the trial Court to cancel the bail and surety bonds of any person interfering in the proceedings by intentional absence.

(M.M.S. BEDI)
JUDGE

16.09.2016
Neha

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No