

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

Criminal Misc. No. M-30004 of 2016

Date of Decision:-20.10.2016

Rajnish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Vishal Garg, Additional A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.117 dated 22.2.2016, under Sections 148, 149, 186, 188, 307, 332, 353 and 124-A IPC and Section 25 of the Arms Act, registered at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner states that the presence of the petitioner at the scene of occurrence was natural as he had to attend the function in his sister's house and was coming from Village Tilagpur Kotla, Delhi to Village Dadanpur, Jhajjar and for that purpose he has to pass through the Jhajjar town. Therefore, the presence of the petitioner on this way was natural and he was having no intention to participate in the alleged

procession. The petitioner is in custody since 21.2.2016. No specific injury has been attributed to him. He further states that the challan in the case has already been presented. He referred to the orders dated 21.7.2016 passed in CRM-M-21274 of 2016 titled 'Jitender vs. State of Haryana', dated 04.8.2016 passed in CRM-M-25704 of 2016 titled 'Jaideep vs. State of Haryana' and dated 11.8.2016 passed in CRM-M-27041 of 2016 titled 'Pawan Kumar @ Sunny vs. State of Haryana' by the co-ordinate Benches of this Court, wherein under the similar set of circumstances the co-accused have been admitted on regular bail.

On the other hand learned State counsel states that the petitioner was present at the scene of occurrence despite there being curfew. It was implicit that he was part of the procession, which caused destruction of the Government as well as public property.

I have heard learned counsel for the parties.

There is no dispute that the public property was burnt and huge losses was caused to the State Government but taking into consideration the fact that the petitioner is in custody since 21.2.2016 and he was coming from Village Tilagpur Kotla, Delhi and was required to pass through the Jhajjar town so as to reach his sister's house in Village Dadanpur, Jhajjar to attend some function, it cannot lead to his participation in the procession. His presence, whether part of the procession or otherwise is yet to be established during the trial.

Accordingly, the petition is **allowed** and the petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds

subject to satisfaction of the trial Court.

The petitioner shall submit an affidavit that in future he shall not indulge in such type of offence/activities and shall not influence the prosecution witnesses and shall not hamper the proceedings and not temper with the record in any manner. The affidavit be filed within one week after his release on bail, failing which his bail bonds would be cancelled.

October 20, 2016

Vijay Asija

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No