

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M No.41322 of 2016

DATE OF DECISION: NOVEMBER 22, 2016

RAMPAL ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

2. CRM-M No.41323 of 2016

RAMPAL ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

3. CRM-M No.41324 of 2016

RAMPAL ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

4. CRM-M No.41325 of 2016

DATE OF DECISION: NOVEMBER 22, 2016

RAMPAL ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

PRESENT: MR. ANMOL RATTAN SIDHU, SR.ADVOCATE
WITH MR. K.D.S. HOODA, ADVOCATE
AND FOR THE PETITIONER IN CRM-M-41322 OF 2016.

MR. DHARAMPAL GILL, ADVOCATE
FOR THE PETITIONER
IN OTHER CONNECTED CASES.

MR. DEEPAK SABHERWAL, ADDL.A.G., HARYANA.

M. JEYAPPAUL, J.

1. Petitioner Rampal who is facing trial in FIR No.198 dated 12.7.2006 registered at Police Station Sadar Rohtak under Section 148, 323, 302, 307, 149 and 120-B IPC read with Section 25/27/30 of Arms Act, FIR No.428 dated 18.11.2014, registered at Police Station Barwala under Sections 114, 147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 307, 332, 342, 353, 420, 435, 333, 326-A IPC and 25/27/30 of Arms Act, 3/4/7 of Explosive Substance Act, 3/4 of PDPP Act and 16,18,20,22-C,23 of the Unlawful Activity (Prevention) Act, FIR No.429 dated 19.11.2014 registered at Police Station Barwala, District Hisar under Section 302, 343, 34 IPC and FIR No.430 dated 19.11.2014 registered at Police Station Barwala, District Hisar under Section 302,343, 120-B IPC moves these petitions praying for interim bail for three weeks to perform rituals and ceremonies for his mother who died on 9.11.2016.

2. Learned senior counsel appearing for the petitioner submitted that the rituals and ceremonies of the departed soul have to be performed by the petitioner as son on 21-22-23.11.2016 at Sonapat. It is his submission that any objection emanated from the State will have to be put aside considering the pious obligation rested on the shoulders of the petitioner to perform those ceremonies. The respondent can effectively control the crowd, if any, that gathers during the performance of such ceremony by the petitioner, it is submitted.

3. Learned Addl.A.G., Haryana vehemently submitted that the petitioner has a large number of followers from various States. Even during the course of trial conducted by the trial Court using the video conferencing facility,

followers of the petitioner do cause ruckus outside the jail premises where the trial is being conducted. Lot of commotion is being created by the followers of the petitioner. It is his submission that the petitioner cannot be taken even in police custody to Sonapat to perform the rituals and ceremonies for the departed soul, as the respondents-police has received the input that the crowd would become violent the moment they glance their Godman.

4. The Director General of Police, Haryana and the Superintendent of Police, Sonapat was present in the open Court. They informed the Bench that they have got some intelligence input which could be shared only to the Judges confidentially in their Chamber. We gave audience to them in our Chamber. They shared some sensitive intelligence input with us.

5. The matter came up for hearing on 21.11.2016. On hearing both sides on that day, we *prima facie* expressed our inclination to permit the petitioner in police custody to perform the rituals and ceremonies that would be performed on 23.11.2016, considering the pious obligation of the petitioner being the son of the departed soul to do so.

6. True it is that the petitioner is not a terrorist. To some extent the police force can effectively control the crowd that gathers in their anxiety to participate in the rituals and ceremonies performed for the mother of their Godfather. But the Court cannot loose sight of the fact that the followers of the petitioner had no opportunity to see him for quite some time. They virtually treat him as a Godfather. When the same Godfather appears after a long interval, as projected by the respondents, there is bound to be a commotion in the crowd. The respondent-Police will have to resort to lathi charge and other

vigorous violent modes to control the crowd. Discharge of pious obligation of the petitioner will have to be considered in the above background.

7. In fact, the trial Court passed an order to take the petitioner in police custody to facilitate the petitioner to attend the funeral ceremony of his mother, but he refused to go in police custody to attend the funeral ceremony for reasons best known to him.

8. It is reported that prohibitory orders under Section 144 Cr.P.C. was imposed around the jail premises where the trial is going on. Despite such stringent steps, thousands and thousands of followers gathered around the jail premises and created law and order problem to the public. Even if the petitioner is taken in police custody, on account of the violent attitude of the followers, there is every possibility of bloodshed. It may be difficult for the police force to take the petitioner in police custody through road as it is suspected that the followers will throng the entire route to have a glimpse of their Godfather.

9. Therefore, in the public interest, we are of the view that these petitions seeking interim bail deserve no favourable consideration. The petitions stand dismissed accordingly.

10. A photocopy of the order be placed on the connected files.

(M. JEYAPPAUL)
JUDGE

November 22, 2016
Gulati
Whether Reportable
Whether Speaking/Reasoned

(DARSHAN SINGH)
JUDGE
No
Yes