

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1053 of 2017

Date of Decision: 23.03.2017

Sandeep and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jitender Nara, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 121 dated 24.02.2016 registered for offences punishable under Sections 148, 307, 394, 395, 427, 436, 440, 452, 506 read with Section 149 of Indian Penal Code (for short, "IPC"); 25 of the Arms Act; and 3 of Prevention of Damage to Public Property Act, 1984, at Police Station Jhajjar District Jhajjar.

Heard.

Learned counsel for petitioners submits that no recovery of weapon was effected from petitioner, who were arrested on 09.03.2016 and 10.03.2016, respectively. In all other cases registered against them, they have been released on bail. Even in this case no injury has been attributed to them.

Learned State counsel submits that during Jat agitation in February, 2016, petitioners have tried to loot and put a bank on fire but their attempt was foiled by the bank guard who resisted their attempt to enter the bank by firing shot with his gun. Grant of bail to them in other cases is no

reason to extend the similar benefit in this case.

The incident is of 20.02.2016. Allegations against petitioners are that they alongwith a mob tried to enter and loot the bank but their attempt was resisted by bank guard, who even fired shots from his rifle and one of the shots hit petitioner no. 1-Sandeep.

From perusal of FIR, it appears that a mob, of which petitioners were a party, had attacked the bank. Attempt of mob to enter the bank was foiled and it is a matter of evidence and proof as to what role, petitioners had played in that incident. Keeping in view the fact that they had been arrested more than a year back and conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, Sandeep and Sunil are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

Petitioners will also furnish an undertaking before the trial Court that they will not take part in any such agitation or be a part of such mob in future. In the event of their participation in any such event in future, liberty is allowed to State to seek cancellation of their bail.

March 23, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No