

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

CRM No.M-17124 of 2017 (O&M)

Date of Decision: August 4, 2017.

Basant Saini

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. G.P.S.Bal, Advocate, for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Basant Saini has filed this 3rd petition under Section 439 read with Section 482 Cr.P.C. for grant of regular bail in case FIR No.428 dated 18.11.2014, registered at Police Station Barwala, under Section 107, 147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 224, 225, 307, 332, 342, 353 and 436 IPC, Section 25 of the Arms Act, 1959, however, later on altered as Sections 114, 147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 307, 332, 342, 353, 420, 435, 333, 326-A IPC, Sections 25, 27 and 30 of the Arms Act, 1959, Sections 3, 4 and 7 of the Explosive Substances Act, Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 and Sections 16, 18, 20, 22-C and 23 of the Unlawful Activities (Prevention) Act, 1967.

Notice of motion has been issued. Learned State counsel has appeared on behalf of respondent-State and contested the instant petition.

I have heard learned counsel for the petitioner as well as

learned State counsel and gone through the record.

From the record, I find that the main allegations as per the FIR are that Anil Kumar along with his colleagues were present at a distance of 400 meters from *Satlok Ashram, Barwala* and was giving directions to his subordinates, while the police officers were briefing the police force which had come at the spot from other district. When the police party was in the process of entering the *Satlok Ashram* for executing the warrants against Baba Rampal, which were issued by this Court, then noticed that Baba Rampal had made a human crowd chain around his *Ashram* by making 600/700 women and children sit at the main gate, whereas 1500/2000 young men were standing at the roof of *Ashram* having *dandas and lathies* etc. with them and some were having guns. It is also stated that during the process of execution of warrants, the followers also pelted stones and bricks and claimed that they would not follow the directions of the government.

Learned counsel for the petitioner argued that so many co-accused have already been granted the concession of bail, therefore, on the ground of party the petitioner also deserves the concession of bail.

Furthermore, from the record, I find that the petitioner is in custody since 18.11.2014. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is

allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹ 50,000/- with two sureties in the like amount each to the satisfaction of the trial Court/Duty Magistrate.

August 4, 2017
rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes
No