

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

Date of decision: 03.07.2017

CRM-M No.21205 of 2017

Rajender

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jasjit Singh Bedi, Senior Advocate, with
Mr. Sonpreet Singh Brar, Advocate, for the petitioner.

Mr. Surinder Singh, AAG, Haryana.

Mr. J.S. Mehndiratta and Mr. Rao Ajender Singh, Advocates,
for the complainant.

RAJIV NARAIN RAINA, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.92 dated 08.04.2017 registered under Sections 147, 149, 324, 436, 452, 506, 120-B IPC at Police Station Nangal Chaudhary, District Mohindergarh.

When the matter came up for hearing on June 9, 2017, the following order was passed in the presence of learned Deputy Advocate General, Haryana and the Advocate for the complainant:

“Counsel for the State, on the basis of the statement of the complainant, the call records pertaining to the petitioner and one co-accused Vijay Singh, who has been arrested in this case on 06.06.2017, contends that there has been conversation between Vijay Singh and the petitioner when the liquor vend was put on fire, whose name is mentioned in the present FIR.

Counsel for the petitioner seeks an adjournment to get instructions in this regard and if that be so, to place on record the conversation between the petitioner and Vijay Singh, as there is a provision for automatic recording as per the case set out in the petition.

Adjourned to 03.07.2017.”

Today, Mr. Jasjit Singh Bedi, learned senior counsel, has produced transcripts of telephonic conversation exchanged between Vijay Singh and the petitioner. The same has not been seriously disputed by the respondent – State and neither can they because even from the investigation record produced before me there were conversations between two on the date of incident i.e. 08.04.2017. The petitioner is an ex-Sarpanch of Village Bhungarka, District Mohindergarh.

The petitioner and Vijay Singh are co-villagers. The incident relates to the burning down of a liquor vend in which many women of the village opposing sale of liquor and groups of men are alleged to have burnt down the liquor vend belonging to one Ankush Goel. Mainpal was a salesman at the said liquor vend. A large number of people are involved in the FIR. The aid of Section 120-B IPC was not taken in the FIR lodged on 08.04.2017. Mr. Bedi submits that Section 120-B IPC was added later to rope in the petitioner. He submits that he has no role to play in the incident, which can be considered active involvement in the incident of burning down the liquor vend. The transcripts in more ways than one point towards the petitioner imploring Vijay Singh not to involve his name in any of these matters. He gave the reason during the course of conversation that none of the agitating persons have any principle guiding them. He told that they will use him as a pawn and get him harmed in some way or the other. He also

stated that neither did he want to tell these (boys) anything nor would he say anything to others. He further stated that he was neither in support nor against, as he was busy in his own chores and business and had nothing to do with the incident or those involved. The transcripts produced today appear prima facie to me to be dependable.

In addition to the above, Mr. Bedi submits that the Investigating Agency did not even take police remand from court when the petitioner was sent to judicial custody.

Mr. J.S. Mehndiratta vehemently opposes the grant of regular bail appearing for the complainant.

Keeping in view the facts and circumstances of the case and without expressing any opinion on the merits of the case so as not to prejudice any party, this petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

It is made clear that the facts have been adverted only to disclose the line of reasoning which has weighed with the Court in making the order. The same will have no effect on the trial or the evidence likely to be produced in the trial.

03.07.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*