

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-24930-2017

Sunil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent
2.

CRM-M-18682-2017

Mehardeen @ Sahil Khan and another

..... Petitioners

Versus

State of Haryana

..... Respondent
3.

CRM-M-21937-2017

Sandeep @ Dipu

..... Petitioner

Versus

State of Haryana

..... Respondent
4.

CRM-M-22645-2017

Sawaran Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

5.

CRM-M-25727-2017

Hardeep Singh @ Kalu

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of decision : 02.08.2017

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr. Mavender Chauhan, Advocate
for the petitioner in **CRM-M-24930-2017**.

Mr. Keshav Pratap Singh, Advocate
for the petitioners in **CRM-M-18682-2017**.

Mr. Keshav Pratap Singh, Advocate
for the petitioner in **CRM-M-21937-2017**.

Mr. Vivek Goyal, Advocate
for the petitioner in **CRM-M-22645-2017**.

Mr. Jagdeep Singh Virk, Advocate
for the petitioner in **CRM-M-25727-2017**.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. N.S. Dhillon, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

Vide this order, I shall dispose of four petitions for grant of pre-arrest bail filed by Sunil Kumar, **CRM-M-24930-2017**; Mehardeen @ Sahil Khan and Ravinder Alia Binda, **CRM-M-18682-2017**; Sandeep @ Dipu,

CRM-M-21937 of 2017; Sawaran Singh, **CRM-M-22645-2017** and another petition for regular bail filed by Hardeep Singh @ Kalu **CRM-M-25727-2017** all of them being accused in FIR No.374 dated 20.04.2017 for offences under Sections 148, 149, 307, 427, 506 IPC and Section 25 of the Arms Act registered with Police Station Thanesar, District Kurukshetra.

In nutshell, the facts of the case are that complainant Om Parkash son of Rameshwar Dutt, resident of Darra Khera had reported the matter to police of Police Station Thanesar that on 20.4.2017 at about 5:30 p.m., Sukhbir along with Ram Kumar, Sanjeev, Chirag, father of Chirag, Kulwant, Deepu (Body builder), Sahil Khan, Jalandhar, Balwan and Sarpanch of village Sandir and 70-80 persons while armed with deadly weapons like *lathis*, *dandas* and swords tried to take possession of vacant *shamlat* land from him and in the process, gun shots were fired. However, when they offered resistance by throwing brickbats, the assailants ran away. On the basis of said statement, formal FIR was registered.

Accused-Hardeep Singh @ Kalu was arrested in this case on 28.05.2017 and presently he is in judicial custody. He had filed an application for grant of regular bail in the Court of learned Additional Sessions Judge, Kurukshetra, but his such application was dismissed by the said Court vide order dated 10.07.2017, whereas remaining petitioners had filed petitions for grant of pre-arrest bail in Court of Sessions Kurukshetra, but were unsuccessful there. As such, they have approached this Court by filing the aforesaid petitions.

I have heard learned counsel for the petitioners and learned

State counsel assisted by Sh. N.S. Dhillon, learned counsel for the complainant and have gone through the record.

Although FIR in this case has been registered under Section 307 IPC, besides, other Sections of IPC but fortunately there was no injury to any person and in that way no causality was there. Although the complainant is relying upon a video clip recorded on a compact disc to show participation of the petitioners in the incident, but then from the video clip, it is difficult to identify the assailants and furthermore its authenticity is yet to be established.

Sh. Abhishek Garg, IPS, Superintendent of Police, Kurukshetra has submitted his affidavit in compliance with direction passed by this Court to go into matter and file affidavit. In such affidavit, he has observed that though compact disc provided by the complainant was played on the laptop for identification of the accused persons, but the complainant was unable to identify petitioner Nos.1 & 2 and was unable to disclose the names of accused when the compact disc was played on 01.07.2017.

Keeping in view the fact that petitioners Sunil Kumar, Ravinder @ Binda and Sawaran Singh are not named in the FIR and no specific role has been attributed to them. Moreover, petitioners except Hardeep Singh @ Kalu have since joined the investigation, gun and licence in the name of Kalu have been taken into possession during investigation, they can be granted concession of pre-arrest bail, as such, petitions filed by Sunil Kumar, **CRM-M-24930-2017**; Mehardeen @ Sahil Khan and Ravinder Alia Binda, **CRM-M-18682-2017**; Sandeep @ Dipu, **CRM-M-**

21937 of 2017; Sawaran Singh, **CRM-M-22645-2017** are allowed, resultantly interim bails granted to them are made absolute subject to fulfilment of conditions envisaged under Section 438(2) Cr.P.C. which are as follows:-

- i) they shall make themselves available for investigation by a police officer as and when required;
- ii) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- iii) they shall not leave India without the previous permission of the Court; and
- iv) they shall surrender their passports before the Investigating Officer if they have got one otherwise to furnish affidavit in that regard.

Petitioner-Hardeep Singh @ Kalu is in judicial custody since 28.05.2017 and no recovery is to be effected from him. Moreover, conclusion of trial in the case of will take long time and his guilty shall be established during the trial. Hence no useful purpose will be served by keeping him behind the bars any more. Therefore, in view of the abovesaid circumstances, his petition **CRM-M-25727-2017** is accepted. Petitioner-Hardeep Singh @ Kalu be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, Kurukshetra on the terms and conditions mentioned above as

regards petitioners in connected petitions.

It is clarified that in addition to such terms and conditions the learned trial Court / CJM / Duty Magistrate, Kurukshetra accepting requisite bonds may impose any conditions which it found proper and appropriate.

It is further clarified that in case such petitioners are found to be indulging in any criminal activity again, then the prosecution shall be entitled to move an application seeking cancellation of their bail.

02.08.2017

Gaurav Sorot

**(H.S. MADAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**