

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25625 of 2017
Date of Decision: 22.09.2017

Ankit Kadian

....Petitioner

VERSUS

Central Bureau of Investigation

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Sumeet Goel, Advocate
Retainer counsel for respondent-CBI.

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. RCCSHG512016S0014 dated 06.10.2016 registered for offences punishable under Sections 148, 149, 186, 188, 353, 427, 436, 452, 307, 395 read with Section 120-B of Indian Penal Code (for short, "IPC"); 25 of the Arms Act and 3/4 of the Prevention to Damage to Public Property Act, 1984, at SCB, CBI, Chandigarh, which was earlier FIR No. 118 dated 27.02.2016 for offences punishable under Sectons 148, 149, 186, 188, 124-A, 353, 450, 427, 436, 307, 395 read with Section 120-B IPC and Section 25 of the Arms Act, registered at Police Station Urban Estate Rohtak, District Rohtak.

Heard.

Learned counsel for the petitioner seeks regular bail for the petitioner on parity with case of co-accused Rajesh Kumar and Yoganand, who were allowed regular bail vide order dated 03.08.2017 passed in CRM-M-22901-2017 and CRM-M-19878-2017.

Learned retainer counsel for CBI submits that there is no CCTV footage of the petitioner regarding his presence at the spot. However, tower location of mobile phone of the petitioner suggests that he was present near the place of arson. While relying on the photographs placed on file by CBI, he submits that these photographs are of the place near the house of the Minister, which was burnt and show that he was present there.

Learned counsel for the petitioner submits that photographs, produced by CBI, had been taken from the mobile phone of petitioner and are selfies, which the petitioner had taken himself. None of the photographs show that petitioner was having any arm and ammunition or he was leading any group.

On perusal of photographs produced on file by CBI on 23.08.2016, I find that these are the selfies taken by the petitioner himself from a mobile phone. These photographs do not suggest that petitioner was leading any mob or was indulging in any activity of arson. Tower location of mobile phone of the petitioner near the place of incident is also no reason to decline bail to him.

Applying the principle of parity with co-accused Rajesh Kumar and Yoganand and for the detailed reasons as mentioned in order dated 03.08.2017 passed in CRM-M-22901-2017, the present petition is allowed. Petitioner-Ankit Kadian is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No