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

1. CRM-M No.3046 of 2017
Date of Decision: 14.02.2017

DILBAG@ BAGGAPetitioner
Vs
STATE OF HARYANARespondent

2. CRM-M No.1368 of 2017 (O&M)

VIKASH @ KASUPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sushil Bhardwaj, Advocate
Mr. B.S. Saroha, Advocate and
for the petitioner(s).

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order CRM-M Nos.3046 and 1368 of
2017 are being disposed of.

Petitioners seek grant of regular bail under Section 439
Cr.P.C in case bearing FIR No.24 dated 24.02.2016, registered
under Sections 147, 148, 149, 186, 188, 427 & 436 IPC and
under Sections 3 & 4 of the Prevention of Damage to Public
Property Act, 1894 at Police Station Pillu Khera, District Jind,
Haryana.

For brevity, facts are being culled out from CRM-M No.3046 of 2017.

As per FIR, destruction of public property was done in the agitation which took place on 20.02.2016. Bail of the petitioner Dilbagh @ Bagga was declined by the Court of Sessions on 19.12.2016 on the premise that the petitioner was also involved in FIR No.153 dated 07.11.2011, in which he was acquitted on account of compromise and two other cases bearing FIR No.28 dated 17.02.2015 under Sections 452, 427, 506 IPC and FIR No.30 dated 18.02.2015 under Sections 323, 452, 341, 148, 149 IPC and under Section 3 of the SC & ST Act, P.S. Pillu Khera were pending against the petitioner.

Learned counsel for the petitioner submitted that in FIR No.28 dated 17.02.2015 petitioner has also been acquitted on 03.12.2016 by the Court of Sub-Divisional Judicial Magistrate, Safidon.

Learned counsel further submitted that co-accused Sikki was involved in the present case i.e. FIR No.24 dated 24.02.2016, along with FIR No.25 dated 28.02.2016 under Sections 147/148/149/186/188/427/450/436 IPC and Sections 3 and 4 of the PDPP Act, 1984, P.S. Pillu Khera and FIR No.23 dated 21.02.2016 under Sections 147/148/149/283/186/341/332/353/307/395/397/406/427/436/120-B IPC, under Sections

25/54/59 of the Arms Act and under the provisions of PDPP Act,
P.S. Pillu Khera.

In both the aforesaid FIRs the co-accused Sikki has since been granted regular bail by the Court of Sessions on 19.01.2017 and 11.01.2017 respectively.

In view of aforesaid, case of the petitioners cannot be distinguished from that of co-accused Sikki.

At this stage, without advertng to the merits of the case, I am of the view that the petitioners, who are in custody since 09.05.2016 and 10.05.2016 respectively can be enlarged on bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be enlarged on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 14, 2017.

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No