

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

**CRM-M-33874-2017
Date of decision :13.10.2017**

Anil Kumar and another

..... Petitioners

Versus

State of Haryana

..... Respondent

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

Present : Mr. R.S. Rai, Senior Advocate with
Mr. Keshav Pratap Singh, Advocate for
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. J.S. Toor, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

This petition for grant of regular bail has been filed by petitioners – Anil Kumar and Kapil Vats, both of them being accused in FIR No.661 dated 11.07.2017 for offences under Section 147, 149, 295-A, 153-A, 323, 506 IPC registered at Police Station City Hisar, District Hisar.

Briefly stated the prosecution story is that FIR in this case was

registered on the basis of written complaint dated 11.07.2017 at instance of Abid Hussain son of Shahid resident of Rajiv Nagar Hisar, Haryana wherein he contended that on the said date at about 6 p.m. he along with Sajid and Ramesh Khan etc. was offering Namaz in the Mosque, thereafter when they came out, they found a mob of 100 to 150 persons raising slogans outside and hitting gate of Mosque with their legs, pelting stones and brickbats; that they took out Mohd. Hussain who had come to the Mosque to offer Namaz and beat him up. They burnt an effigy, raising slogans against Muslim community, besides hurling abuses and holding out threats to kill them; that he along with his companions went inside the Mosque and hid themselves, then informed the police. On arrival of the police party the mob disappeared. The complainant prayed that action be taken.

After registration of the FIR, the case was investigated and the petitioners were arrested in this case. They had moved an application for grant of regular bail before Court of Additional Sessions Judge, Hisar which was dismissed vide order dated 05.09.2017, as such they have approached this Court asking for the similar relief.

I have heard learned counsel for the petitioners, learned State counsel assisted by learned counsel for the complainant, besides going through the record.

Our country has got people believing in various religions and we take pride in peaceful co-existence and communal harmony, however, sometimes a few mischief mongers do try to disturb that peace and tranquillity but then law is there to deal with them. It is unfortunate that a

mob of 100 to 150 persons had attacked a religious place of Muslims and beat up a person belonging to Muslim community, but then the law enforcement agency had registered an FIR in the matter, swung into action and arrested the persons involved in the unfortunate incident. Petitioner – Anil Kumar is behind bars from 13.07.2017 i.e. for about 3 months whereas petitioner – Kapil Vats has also spent almost 3 months in the jail. The completion of the investigation takes time so does conclusion of trial. The guilt of the petitioners shall be determined during the trial.

Considering all facts and circumstances including the fact that accused are not named in the FIR and they are behind bars for about 3 months and further that the offences are triable by the Court of Magistrate, I find it proper and appropriate, if the concession of regular bail is granted to the petitioners. Moreover, conclusion of trial will take long time, hence no useful purpose will be served by keeping them behind the bars any more. Therefore, in view of the abovesaid circumstances, this petition is accepted. Petitioners-Anil Kumar and Kapil Vats be admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of the Illaqa Magistrate / Duty Magistrate Hisar.

While accepting the bonds, the Illaqa Magistrate / Duty Magistrate, may impose any terms and conditions found appropriate to ensure that the petitioners should not abscond. Their passports may also be got surrendered, if they have got ones, otherwise to get affidavits from them that they do not have any passport. It is made clear that if after being released on bail in this case, the petitioners are found indulging in any other

criminal activity, this order granting bail to them shall be liable to be withdrawn.

13.10.2017

Gaurav Sorot

(H.S. MADAAN)
JUDGE

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