

CRM-M-35368 of 2017 (O&M)

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

CRM-M-35368 of 2017 (O&M)

Date of Decision: 13.10.2017

Suresh Kumar @ Fauji

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ashit Malik, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 439 Cr.P.C. has been made for grant of regular bail to petitioner – Suresh Kumar @ Fauji – in a case arising from FIR No.404 dated 28.07.2017 under Sections 147, 148, 149, 186, 323, 332, 333, 353 and 427 IPC, Section 3 PDPP Act and Section 8-B N.H. Act, 1956 registered at Police Station Sadar Thanesar, District Kurukshetra.

According to prosecution, on 28.07.2017, after the death of a lady in a motor vehicular accident, petitioner along with 21 others gathered at the spot and started raising slogans against the administration. They also obstructed the traffic on the G.T. road. When the police force tried to make them understand not to block the traffic, the petitioner along with his accomplice started pelting brick-bats upon the police party, on account of which the police officials suffered grievous injuries while performing their duties.

Learned counsel for the petitioner *inter alia* contends that the

petitioner is in custody since 15.08.2017. Out of 22 persons booked in the

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instant case, till date the police has arrested the petitioner only and rest 21 accused are at large, which shows the callous attitude and mis-conduct on the part of the investigating officer SI Prem Singh as well as the concerned Station House Officer S.I. Surender Singh.

Considering over-all facts and circumstances and the mis-conduct of the police in not proceeding with the case properly, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

October 13, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No