

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

CRM-M-36911 of 2016

Date of Decision: 24th August, 2017

Satish Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CRM-M-38362 of 2016

Arun Kalra and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. L.M. Gulati, Advocate
for the petitioner (in CRM-M-36911 of 2016)

Mr. Nand Lal Sammi, Advocate
for the petitioner(in CRM-M-38362 of 2016)

Ms. Manjari Nehru Kaul, DAG, Punjab.

FATEH DEEP SINGH, J.

These two regular bail applications both under Section 439 Cr.P.C. one by petitioners Satish Kumar and Gurpreet Singh @ Happy and another by petitioners Arun Kalra and Kapil Kalra having arisen from the same very FIR are being taken up together.

The allegations against the petitioners brought to the notice of this Court are that petitioners along with their co-accused under

the guise of an organisation named and styled as '*Gau Raksha Dal*' used to take law in their hands and while roaming on roads used to waylay the trucks ferrying animals and by use of intimidation, threats and weapons used to assault the persons accompanying the animals and would also fleece them of their money and valuables. It is during the period of years 2013-2016 it is alleged that the petitioners waylaid trucks carrying buffaloes being carried by complainant side comprising of Mouseen @ Bablu and Intezar @ Imtiaz and while brutally beating them committed sodomy and put up the pictures on Internet leading to registration of the present case.

The contentions of the learned counsel for the petitioners Mr. Nand Lal Sammi, are that petitioners Arun Kalra and Kapil Kalra are nowhere depicted in the alleged photographs and it is only accused Satish Kumar and Gurpreet Singh @ Happy who have been picturised and that the petitioners have been in custody since long time and that there is no medical evidence to support the allegations of sodomy and that the trial is not likely to be concluded in near future.

Learned State counsel has stoutly opposed the grant of bail to the petitioners relying strongly on the photographs depicting plight and brutal beatings to the victims and how the accused side have taken the law in their own hands and submitted that if allowed bail they would not allow fair trial to take place.

Appreciating the submissions there are serious allegations against the accused including the petitioners. The manner how there has been serious human rights violation, brutal beatings and picturising them and placing the same on the Internet are matters which

certainly pricks the judicial conscience. The manner in which the victims have come forward are matters of much significance and cannot be lightly brushed aside. Mere period of incarceration is not an extenuating circumstance. Keeping in view the apprehension of the State that if allowed bail the petitioners would influence the witnesses is certainly not unfounded and keeping in view the heinousness of offence and seriousness of allegations no ground to grant bail to the petitioners is made out.

Both the petitions stand dismissed.

Records of the trial Court be sent back.

(FATEH DEEP SINGH)
JUDGE

August 24th, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No