

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

**Crl. Misc. No.M-37088 of 2017 (O&M)  
Date of Decision: November 09, 2017.**

Kasturi Lal

**.....PETITIONER(s).**

**VERSUS**

State of Haryana

**.....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. R.S.Sekhon, Advocate  
for the petitioner (s).

Mr. Deepak Grewal, D.A.G., Haryana.

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**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. 339 dated 26.08.2017 registered for the offences punishable under Sections 146, 147, 148, 149, 186, 188, 332, 353, 307, 427, 435, 436, 121, 122, 121-A, 141, 506 read with Section 120-B of Indian Penal Code, 3/4 of Prevention of Damage to Public Property Act, 1984, 3/4 Explosive Act and 25 of Indian Arms Act at Police Station Sector-5, Panchkula, District Panchkula.

Heard.

Learned counsel for the petitioner submits that allegations against the petitioner is that he was the member of unlawful assembly which caused damage to the public property in the incident which took place in

Panchkula on the day, Head of Dera Sacha Sauda was convicted by the trial Court. The petitioner himself had received injuries and was admitted in the hospital and no weapon was recovered from him. There is no specific allegation against the petitioner in the FIR and no useful purpose would be served by keeping him in custody.

Learned State counsel submits that the petitioner was the member of unlawful assembly, which indulged in arson and causing damage to the public property at Panchkula, after the arrest of Chief of Dera Sacha Sauda on 25.08.2017 in a case by the trial Court. The petitioner was also arrested from the spot. Though there is no specific allegation against the petitioner but the police investigation is still in progress and challan has not been filed so far.

The petitioner is not named in the FIR and no weapon was recovered from him.

Keeping in view the above facts; period of incarceration of petitioner and that the conclusion of investigation and then presentation of challan will take considerably long time, the present petition is allowed. Petitioner Kasturi Lal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panchkula 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 prior permission of the Court.

November 09, 2017  
*Jyoti-II*

( SURINDER GUPTA )  
JUDGE

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|-----------------------------------|---------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes/No</i> |
| <i>Whether Reportable:</i>        | <i>Yes/No</i> |