

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42080 of 2017
Date of Decision: 16.11.2017

Labh Singh and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mohinder S. Joshi, Advocate
for the petitioners.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.334 dated 25.08.2017 registered for offences punishable under Sections 146/147/148/149/120-B/307/332/353/186/188/427/435/121-A/144/145/ 150 151/152/153 of Indian Penal Code (for short, "IPC") read with Sections 3/4 of Prevention of Damage to Public Property Act, 1984; 25 of the Arms Act; and 3/4 of Explosive Act, at Police Station Sector 5, Panchkula.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana., who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

FIR in this case was registered on the complaint of ASI Jaswinder Singh, who was present on 25.08.2017 with his police force and Paramilitary force in Sector 3, Panchkula in front of Hotel Holiday Inn,

where about 25,000 to 30,000 followers of Head of Dera Sacha Sauda were present. The mob present there became violent after the conviction of Head of Dera Sacha Sauda and indulged in arson.

Learned counsel for petitioner submits that petitioner no. 1-Labh Singh had come to drop his parents, who were followers of Dera Sacha Sauda and in the incident he received a firearm injury on his leg. Petitioner no. 2-Barjinder Pal is an old man of 62 years of age and was called to Panchkula as he was having agency of MSG, which sells products of Dera Sacha Sauda. There is no allegation against them that they either indulged in arson or were armed with any weapon. He further submits that the lower Court has allowed regular bail to several accused in this case vide order dated 08.11.2017. Claiming parity with those accused, he seeks bail for petitioners.

Learned State counsel submits that petitioners were members of unlawful assembly, who were present near Hotel Holiday Inn and were indulging in arson and activity of causing damage to public property. He further submits that no recovery was effected from both the petitioners in this case. They were arrested on 25.09.2011 after their discharge from the hospital.

It has been submitted that after completion of investigation, police has already presented the challan against some of the accused in this case.

Taking note of above facts but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Labh Singh and Barjinder Pal are ordered to be released

on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

November 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No