

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43145 of 2017
Date of Decision: 20.11.2017

Vikaram Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ravneet Singh Joshi, Advocate
for the petitioner.

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.360 dated 28.08.2017 registered for offences punishable under Sections 148, 149 and 436 of Indian Penal Code (for short, "IPC") and 3 of Prevention of Damage to Public Property Act, at Police Station Sector 5, Panchkula.

Heard.

The FIR was registered on the complaint of Jagan Nath, Assistant General Manager, Hartron regarding destruction of their office property situated at Sector 2, Panchkula on 25.08.2017 by followers of *Dera Sacha Sauda*, as its head was convicted on that day by a Court at Panchkula.

Learned State counsel submits that the petitioner is not named in the FIR but he has been arrested on 19.09.2017 on the basis of his mobile location. He was member of unlawful assembly, which caused damage to Government property. In the office of complainant, property of worth ₹67

lacs was damaged. The police after investigation has presented the challan in Court. During investigation, the police has recorded disclosure statement of petitioner admitting the crime.

As per submission of learned State counsel, evidence against the petitioner is his mobile location and his alleged disclosure statement. No other recovery was effected from him. The police has also presented challan against him.

In view of above 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. Petitioner-Vikaram Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

At this stage, learned counsel for the petitioner submits that due to mistake he could not mention offences punishable under Section 188 IPC and 4 of Prevention of Damage to Public Property Act in headnote of the

petition and requests that the petition be amended to incorporate above sections in the headnote and bail may also be allowed to petitioner under these Sections.

Request is allowed. Registry to do the needful.

The bail granted to the petitioner may also be read as having been allowed under Sections 188 IPC and 4 of of Prevention of Damage to Public Property Act.

November 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No