

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43854 of 2017
Date of Decision: 27.11.2017

Balwinder Singh and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Syan, 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.101 dated 26.08.2017 registered for offences punishable under Sections 148/149/186/188/332/353 of Indian Penal Code (for short, "IPC") and 3 of Prevention of Damage to Public Property Act, 1984 at Police Station Sector 20, 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.

Learned State counsel submits that the petitioner was arrested in this case on 26.08.2017 after arson in city of Panchkula on 25.08.2017, when mob, which was associated with *Dera Sacha Sauda*, created riot and put the buildings and property on fire after conviction of Head of *Dera*

Sacha Sauda by a Court at Panchkula. After the arrest of petitioner a hockey was recovered from petitioner no. 1-Balwinder Singh while no recovery was effected from petitioner no. 2-Varinder Singh.

Learned counsel for petitioners submits that petitioners are followers of *Dera Sacha Sauda* and they were present in Panchkula on the call given by office bearers of *Dera Sacha Sauda*. They are neither criminals nor indulged in arson or any other activity.

Learned State counsel submits that the police after completion of investigation has presented the challan in Court and 34 out of 42 accused named in this case have already been released on bail.

From the submission of learned counsel for petitioners and learned State counsel, it is apparent that no weapon was recovered from petitioner no. 2-Varinder Singh while weapon recovered from petitioner no. 1-Balwinder Singh is a hockey. Allegation against petitioners is that they were members of unlawful assembly, which damaged the Government and private properties.

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. Petitioners, namely, Balwinder Singh and Varinder Singh are 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) 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 the petitioner shall stand withdrawn. The trial Court shall be competent to cancel their bail bond and surety bond and proceed to procure their presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) They shall not leave the country without the previous permission of the Court.

November 27, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No