

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

CRM-M No. 44522 of 2017

DATE OF DECISION :- December 18, 2017

Gurvinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M No. 47208 of 2017

Sanjeev Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Vaibhav Narang, Advocate for the petitioner
in CRM-M No. 44522 of 2017.

Mr. Keshav Partap Singh, Advocate for the petitioner
in CRM-M No. 47208 of 2017.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

My this order shall dispose of two petitions for grant of regular bail bearing CRM-M No. 44522 of 2017 filed by Gurvinder Singh and CRM-M No. 47208 of 2017 filed by Sanjeev Kumar, both of them accused in F.I.R. No. 433 dated 26.8.2017 for offences under Sections 124-A, 148, 149, 436, of the Indian Penal Code as well as Sections 3, 4 of Explosive Substances Act, 1908 registered with Police station Shahbad, District, Kurukshetra.

Briefly stated the facts of the case as per prosecution story are that the petitioners along with their co-accused set Telephone Exchange Nalvi on fire with petrol on 25.8.2017 at about 5.20 P.M. with a purpose to spread

unrest and fear in the general public causing damage to the tune of Rs.1,91,000/-, that the petitioners along with others had constituted unlawful assembly which had caused damage to the public property to show resentment against conviction of Head of Dera Sacha Sauda. They were arrested in this case on 26.8.2017 and after completion of investigation, challan had been filed against them.

Learned counsel for the petitioners have contended that petitioners are not named in the F.I.R. and their names cropped up during disclosure statements of co-accused Amrik Singh and no explosive substance or weapon was recovered from any of the accused and that offence under Section 124-A is not attracted.

Learned counsel for the petitioners states that since the trial is at preliminary stage, its conclusion is likely to take considerable time and further as regards the similar incident at Panchkula, a coordinate Bench has granted bail to petitioner-accused Kasturi Lal in Crl. Misc. No. M-37088 of 2017 vide order dated 9.11.2017, therefore, the petition be allowed.

Learned State counsel has opposed the petitions contending that there are serious allegations against the petitioners and they have caused loss to the public property to the tune of Rs.2 lacs around and further recovery of Motor Cycle was effected from accused Gurvinder Singh .

Responding to such contentions, learned counsel for the petitioners has contended that loss to the public property caused by the mobs protesting against conviction of Head of Dera Sacha Sauda has been assessed by the government and recovery is to be made from properties of Dera Sacha Sauda.

After hearing these contentions and without going into the merits

of the case, I find that since petitioners are behind bars more than three months and the trial is at preliminary stage, their guilt shall be determined during the trial. I find that it would be in fitness of things if the present petition is allowed.

The petitioners are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Kurukshetra subject to the following conditions : -

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 18, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No