

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

**Crl. Misc. No.M-46756 of 2017 (O&M)
Date of Decision: December 14, 2017.**

Madhur Hans and anotherPETITIONER(s).

VERSUS

State of HaryanaRESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Dr. Deipa Singh, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 339 dated 26.08.2017 registered for the offences punishable under Sections 146, 147, 148, 186, 188, 307, 332, 353, 427, 435, 436, 506 read with Section 149 of Indian Penal Code (for short IPC); 3, 4 of Prevention of Damage to Public Property Act and 25 of Arms Act at Police Station Sector-5, Panchkula, District 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 petitioners were arrested in this case on 27.08.2017. They were members of unlawful assembly, which indulged in arson and damaged to public property at Panchkula after the

conviction of Head of Dera Sacha Sauda by the trial Court on 25.08.2017. However, he further submits that no weapon was recovered from them and there are no specific allegations against them of causing damage to the public property.

Keeping in view the above submission of learned State counsel and fact that on the similar allegations, co-accused Kasturi Lal has been allowed regular bail by this Court vide order dated 09.11.2017 passed in CRM-M-37088-2017, this petition is allowed. Petitioners Madhur Hans and Mukand Lal 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. The 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- b. In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn.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 the petitioners shall have to apply for bail afresh.
- c. They shall not leave the country without the prior permission of the Court.

December 14, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No