

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

CRM-M-10785-2018(O&M)

Date of decision:- 14.5.2018

Daljeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. R.S. Sehrawat, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Daljeet Singh, an accused in FIR No.345 dated 27.8.2017, under Sections 145, 146, 150, 151, 152, 153, 121, 121-A, 216, 120-B IPC, registered at Police Station Sector-5, Panchkula.

FIR in this case was registered on the basis of written complaint submitted by Sh.Sanjeev Mahajan, Incharge, City Dainik Bhaskar Newspaper to SHO Police Station Sector-5, Panchkula *inter alia* stating that on 25.8.2017, when he was present at HAFED Chowk, Panchkula along with his companions, then Aditya Insan and other Dera followers were observed hatching a conspiracy to spread the violence and

he had got published the news along with photographs in his newspaper and that he could identify Aditya Insan and Surender Insan.

After registration of the FIR, the matter was investigated. Petitioner – Daljeet Singh was arrested on 30.8.2017. He had moved an application for regular bail in Court of Sessions at Panchkula but was unsuccessful as the same was dismissed vide order dated 15.2.2018 passed by learned Additional Sessions Judge, Panchkula, as such, he has approached this Court for grant of similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that the petitioner has nothing to do with the present case; that he is not named in the FIR and there is nothing to connect him with the present incident; that two of the co-accused of the petitioner, who were similarly placed, namely, Rajinder Singh and Ved Parkash have been granted regular bail by this Court vide order dated 6.4.2018; the conclusion of the trial is likely to take considerable time, as such, concession of regular bail be granted to the petitioner.

Whereas the request is being opposed by the State counsel contending that during the investigation, it came out that petitioner was present in the meeting, which was convened in the Dera premises on 17.8.2017 presided over by co-accused Honeypreet and Aditya Insan, where it was decided that if the Court verdict comes out against the Dera

Chief, then violence, rioting, arson is to be resorted to by inciting/abetting the followers of the Dera and it was planned that Dera Chief be got released from the custody of the police; the petitioner is involved in another similar case bearing FIR No.433 dated 26.8.2017, registered with Police Station Shahbad, District Kurukshetra, therefore, concession of regular bail may not be granted to the petitioner.

After hearing the rival contentions of learned counsel for the parties and going through the record, I find that since the petitioner is not named in the FIR, his guilt would be established during the trial and only then it can be determined as to whether he was member of the core committee, which had allegedly hatched conspiracy to spread violence on conviction of the Dera Chief. In the FIR, no overt act has been attributed to the petitioner and no weapon or incriminating substance or article has been recovered from him. His co-accused said to be similarly placed have already been granted bail by this Court vide order dated 6.4.2018 passed in CRM-M-6971-2018 and CRM-M-7582-2018.

As regards the other FIR registered against the petitioner/accused, in terms of copy of order placed on record by learned counsel for the petitioner, he has already been granted bail in CRM-M-756-2018 on 8.2.2018 by this Court. The conclusion of trial is likely to take some time, therefore, it shall be in the fitness of things, if regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief

Judicial Magistrate, Panchkula, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

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

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

14.5.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No