

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 12237 of 2018 (O&M)

Date of decision : 16.5.2018

Sunil

...

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. Neelam Mor, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

...

H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Sunil, an accused in FIR No. 325 dated 26.8.2017, for offences under Sections 353, 186, 427, 506, 436, 34, 188 34 IPC and Section 4 of Prevention of Damage to the Public Property Act, registered at police Station Tosham, District Bhiwani.

Briefly stated, facts of the case as per prosecution story are that on 25.8.2017, at about 7.15 P.M. in aftermath conviction of head of Dera Sacha Sauda, Sirsa, some unknown persons reached at 33 KV Sub Station, Devrala. They set the Sub Station on fire by sprinkling petrol thereon. They also caused injuries to 4-5 employees of the Electricity Nigam, who were present there in connection of their official duties. SDO, DHBVNL, Sub Division Jui, had submitted a complaint to the police, on the basis of which, the FIR was

registered.

The mater was investigated. During investigation one Mannu Kumar who was lodged in District Jail, Bhiwani, in some other case, was joined in the investigation, during the course of which he stated that he alongwith several other persons, which included Sunil had committed that crime. Accused Sunil was arrested in this case.

He had moved an application for regular bail before the Court of Sessions, but the same was dismissed vide order dated 17.1.2018 passed by Additional Sessions Judge, Bhiwani, as such he has approached this Court by way of filing the present petition, which request is being opposed by the State counsel.

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

Admittedly, the petitioner is not named in the FIR. He was arrested in this case. However, no recovery was effected from him. Challan has been filed and charge has been framed. However, the trial is at preliminary stage. The guilt of the accused, shall be determined during the trial.

Though it is stated by learned State counsel that petitioner is involved in three more cases, but admittedly he is not named in any of the cases and no incriminating item or article has been recovered from his possession. As such without touching the merits of the case, in my considered view it is a fit case to grant regular bail to the petitioner, though on stringent terms and conditions.

As such without saying anything on merits of the case, the

petition is accepted and the petitioner is ordered to be released on bail subject to furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bhiwani, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.
- iv) that the petitioner shall deposit a sum of Rs.50,000/- with DHBVNL, Sub Division Jui, which will be a pre-condition for acceptance of bail by the trial Court.

In addition to this 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, this order shall be liable to be withdrawn.

16.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No