

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-12489-2018

Nawab

..... Petitioner
- Versus
- State of Haryana

..... Respondent
2.

CRM-M-13005-2018

Khalik

..... Petitioner
- Versus
- State of Haryana

..... Respondent
3.

CRM-M-13205-2018

Meher Deen and others

..... Petitioners
- Versus
- State of Haryana

..... Respondent
4.

CRM-M-10486-2018

Abdul Rehman

..... Petitioner
- Versus
- State of Haryana

..... Respondent
5.

CRM-M-20023-2018

Masook @ Monu

..... Petitioner
- Versus
- State of Haryana

..... Respondent

6.

CRM-M-20722-2018

Usman

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of decision :- 27.9.2018

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

Present : Mr.Karan Singh, Advocate for the petitioners in
CRM-M-12489-2018, CRM-M-10486-2018 and
CRM-M-13005-2018.

Mr.Abhilaksh Grover, Advocate for the petitioner in
CRM-M-13205-2018.

Mr.G.C. Shahpuri, Advocate for the petitioner in
CRM-M-20023-2018.

Mr.Ramnish Puri, Advocate for the petitioner in
CRM-M-20722-2018.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

Vide this order, I shall dispose of three petitions for grant of pre-arrest bail i.e. **CRM-M-12489-2018** filed by petitioner Nawab, **CRM-M-13005-2018** filed by petitioner Khalik, **CRM-M-13205-2018** filed by petitioners Meher Deen, Ashiq and Dilshan @ Jishan and other three petitions for regular bail i.e. **CRM-M-10486-2018** filed by petitioner Abdul Rehman, **CRM-M-20023-2018** filed by petitioner Masook @ Monu and **CRM-M-20722-2018** filed by petitioner Usman, all of them being accused in FIR No.12 dated 4.2.2018, under Sections 148/149/436/354-

B/452/323/506 IPC and 3.1(XI) & 3.2(III) of SC/ST Act, 1989, registered at Police Station Khizrabad, District Yamuna Nagar.

Briefly stated, facts of the case, as per prosecution story, are that FIR in question was recorded on the basis of statement of complainant Pehal Singh son of Mam Chand, resident of Bhil Pura, Police Station Khizrabad, District Yamuna Nagar, aged about 47 years, which he made to the police on 4.2.2018 stating therein that he is a labourer by avocation; that about 20 days back, police from U.P. had conducted a raid at Dholara Ghat of Yamuna river near their village, which was with regard to offence of mining and many persons from the village were named in the FIR concerning mining; that Masook @ Monu son of Jahid, a resident of Bhil Pura used to tell the complainant that he had named them before U.P. Police, though the complainant denied such allegations; that on 4.2.2018 at 12:00 noon while the complainant was at home, then Masook @ Monu along with his brothers Aashiq, Bhura, Dilshan, Meher Deen came and set on fire the cattle shed used for tethering of cattle and storing of straw, resultantly the fire spread over the temporary shed for animals and straw of Sher Singh son of Telu Ram and to house of Ram Pal; that many persons gathered from the village and tried to douse the fire; that in the meanwhile cattle dung heap and temporary sheds of Vinod Kumar and Sher Singh besides bullock cart of Sher Singh got burnt; the fire was controlled by the villagers and fire brigade, however, Masook @ Monu, Aashiq, Bhura, Dilshan and Mehar Deen were still having a grudge; at about 5:30 p.m. when Sunita Devi wife of complainant went to the cattle shed, then Ram Katori mother of the complainant was also there; that Masook @ Monu,

Aashiq, Bhura, Dilshan, Mehar Deen, Usman, Shobhan, Ahsan, Nawab, Bholar, Sadik, Shakir, Abdul, Khalik, Jabir came there having wooden sticks and iron rods in their hands and they stated that they would teach a lesson for naming them in the mining case; that Masook @ Monu gave a stick blow on the head of Ram Katori and when Sunita Devi rushed forward to save Ram Katori, Masook @ Monu tore the clothes of Sunita Devi, then all the assailants trespassed in the house of complainant as well as in the house of Nati Ram and assaulted the complainant besides inflicting injuries upon Nati Ram and his son Ravinder, Sahab Singh son of Bhagan Ram, Ajay son of Raj Kumar and Reshma wife of Phool Singh, Rajni wife of Vicky; that on hearing the alarm raised by the victims many people gathered there, then the assailants along with their 8-10 associates ran away from the spot along with the lathies and wooden sticks threatening to kill the complainant side on finding some suitable occasion in future. According to the complainant, the persons who had received serious injuries were sent to hospital for treatment. The complainant sought taking of necessary action in the matter.

After registration of the formal FIR on the basis of that statement, the matter was investigated.

Apprehending their arrest in this case, petitioners/accused Nawab and Khalik had approached the Court of Sessions seeking grant of pre-arrest bail but their such application was dismissed by the Court of learned Additional Sessions Judge, Yamuna Nagar at Jagadhri. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Petitioners accused Meher Deen, Ashiq and Dilshan @ Jishan have also approached this court for grant of pre-arrest bail.

Petitioner Masook @ Monu was arrested on 5.2.2018, petitioner Usman was arrested in this case on 13.3.2018 and petitioner Abdul Rehman was arrested on 6.2.2018 and they are facing trial. They had filed applications before Court of Sessions at Yamuna Nagar at Jagadhri but were unsuccessful there, as such they have approached this Court seeking similar relief.

Notice of the petitions was issued to the respondent, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Petitioners Nawab, Khalik, Meher Deen, Ashiq and Dilshan @ Jishan are specifically named in the FIR. They had assaulted innocent persons including womenfolk while being armed with weapons trespassing in their houses and caused injuries to them. This mob mentality to attack and assault other persons to settle the disputes by use of force is increasing day by day and if the same is not checked by dealing with such type of elements sternly that may lead to utter chaos in the society leading to *JUNGLE-RAJ*. Though the petitioners Nawab, Khalik, Meher Deen, Ashiq and Dilshan @ Jishan have joined the investigation but they have not got recovered any weapon. Therefore, they are not entitled to concession of pre-arrest bail. Their act and conduct also debar them from grant of concession of pre-arrest bail.

Therefore, **CRM-M-12489-2018** filed by petitioner Nawab,

CRM-M-13005-2018 filed by petitioner Khalik and **CRM-M-13205-2018** filed by petitioners Meher Deen, Ashiq and Dilshan @ Jishan stand dismissed.

As far as **CRM-M-10486-2018** filed by petitioner Abdul Rehman and **CRM-M-20722-2018** filed by petitioner Usman are concerned, petitioner/accused Usman was arrested on 13.3.2018 and petitioner/accused Abdul Rehman was arrested on 6.2.2018 and they are facing trial. Their guilt shall be determined during the trial, which is likely to take some time. As per the prosecution case, they had taken part in second incident and they have not been named as culprits, who had set the cattle sheds and various other properties on fire.

Accordingly, **CRM-M-10486-2018** filed by petitioner Abdul Rehman and **CRM-M-20722-2018** filed by petitioner Usman are **allowed**. The petitioners namely Abdul Rehman and Usman are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, on 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 Abdul Rehman and

Usman do not abscond and interfere in the trial.

The petitioners-accused Abdul Rehman and Usman are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard. In case the petitioners Abdul Rehman and Usman 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.

It is made clear that if the petitioners Abdul Rehman and Usman are found to be involved in any criminal act at any stage after being released on bail, the order granting them bail would be liable to be withdrawn.

The allegations against petitioner/accused Masook @ Monu are quite serious. It was he, who had been accusing the complainant of naming them before the police from U.P.. He along with his co-accused was involved in setting fire to the cattle shed, bullock cart etc. of various innocent persons and fire had spread, which could be controlled with great difficulty by the villagers and fire brigade and he is involved in second incident also in which several persons had suffered injuries.

Therefore, **CRM-M-20023-2018** filed by petitioner Masook @ Monu stands dismissed.

27.9.2018
Brij

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**