

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 1782 of 2018 (O&M)

Date of decision : 8.2.2018

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Shiv Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Ms. Arti, Advocate
for the petitioner

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

This petition for grant of regular bail has been filed by petitioner-Shiv Kumar being accused in FIR No.199 dated 25.8.2017 for offences under Sections 188, 436, 450, 124 A, 427, 120-B, 34 IPC and section 3 and 4 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Kalayat, District Kaithal.

Briefly stated facts of the case as per prosecution story are that the FIR in question was registered on the basis of written complaint submitted by Sh. Sandeep Bharat, SDO UHBVN, Kalayat, Kaithal, at Police Station Kalayat, Kaithal, in which he contended that while he alongwith staff members was present in their office, 14-15

persons were seen coming towards the office raising loud noise. All of them were armed with lathis, bottles of petroleum in their hands. They damaged the furniture, computers, printers and office record and set those articles on fire. After the mob had gone away, fire was got extinguished. Two miscreants were arrested and 4 motor cycles were recovered from outside the office. The arrested persons were identified as Jasbir s/o Ramdiya and Dharampal s/o Dhirja.

On the basis of that complaint, formal FIR was registered. As the prosecution story goes in aftermath of conviction of Gurmeet Ram Raheem, Head of Dera Sacha Sauda, his followers had indulged in arson and destroying the public properties.

It is the case of prosecution that the mob comprising of followers wanted to spread unrest and fear in the general public by setting the office articles on fire. The accused was arrested in this case and he is behind bars since 30.8.2017.

The petitioner had moved application for regular bail but the same was declined by the Additional Sessions Judge, Kaithal, vide order dated 28.11.2017, as such he has approached this Court by way of filing the present petition, craving for similar relief, notice of which was issued to the respondent State, which has put in an appearance through counsel contesting the petition.

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

The petitioner is not specifically named in the FIR though his name cropped up during the investigation. No doubt allegations against him are quite serious. No body can be allowed to take law into

his own hands and go to the extent of destroying the public properties, causing a sense of fear in the minds of people. However, at the same time, it has to be kept in mind that the guilt of the petitioner would be determined during the trial. He does not come out to be a hardened criminal. If after the trial he is found to be guilty, he would be convicted and punished suitably. However, keeping in view the fact that the trial is at initial stage and will take considerable time for conclusion and several similarly placed persons have been granted the concession of bail, therefore, it shall be in the fitness of the things to grant regular bail to him, though on stringent terms and conditions.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kaithal, subject to the following terms and conditions:-

- i) that the petitioner would deposit a sum of Rs.50,000/- in the Court towards cost of destruction of public property keeping in view the part attributed to him as per prosecution case.
- ii) that the petitioner shall appear in the Court on each and every date of hearing;
- iii) that the petitioner shall not, try to tamper with the prosecution evidence;
- iv) 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.

The bonds be accepted on the conditions aforesaid and on deposit of amount as at (i). In case the petitioner violate any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

8.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No