

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

CRM No.M-24500 of 2018 (O&M)

Date of Decision: July 17, 2018

Sanjay

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.P.S.Bal, Advocate
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 439 read with Section 482 Cr.P.C. for grant of regular bail in case FIR No.428 dated 18.11.2014 under Sections 107, 147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 224, 225, 307, 332, 342, 353, 436 IPC and Section 25 of the Arms Act, later on altered as Sections 114, 147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 307, 332, 342, 353, 420, 435, 333, 326-A IPC, Sections 25, 27, 30 of the Arms Act, Sections, 3, 4, 7 of Explosive Substance Act, Sections 3/4 PDPP Act and Sections 16, 18, 20, 22-C and 23 of the Unlawful Activity (Prevention) Act, registered at Police Station Barwala.

Notice of motion was issued. Learned State counsel appeared

and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that present petitioner is not named in the FIR. He was nominated in the present case on the statement of co-accused. As per the allegations, when the police officials attempted to enter Satlok Ashram, then 600-700 women and children were found sitting at the main gate, while 1500-2000 youngsters armed with *lathis* and *dandas*, were present on all sides of roof of the Ashram and some of them were also having guns. The allegation against the petitioner is that he pelted stones on the police party.

It is admitted fact that in the present FIR, more than 900 accused have already been released on bail and only three persons are in custody including main accused Rampal. The challan has already been presented in January 2016 but charges have not been framed yet. It is argued by learned State counsel that earlier, the petitioner was declared as proclaimed offender.

The petitioner has been in custody since 18.04.2016. Even after two years of presentation for challan, charges have not been framed, which means that trial of the case will take long time. The petitioner is not required for any investigation or interrogation purposes as he is in judicial custody. No useful purpose will be served by keeping the petitioner in custody till disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing

any opinion on the merits of the case, the present petition is allowed and the

petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 17, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No