

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27984-2018

Date of decision: 13.07.2018

Paramjeet Singh @ Param @ Kala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.345 dated 27.08.2017 under Sections 145, 146, 150, 151, 152, 153, 121, 121-A, 120-B, 216, 201 IPC, registered at Police Station Sector-5, Panchkula.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. Counsel for the petitioner further submits that the petitioner is one of the followers of dera and is an agriculturist by profession and he has been implicated in the present FIR on the disclosure statement of co-accused. It is further submitted some co-accused of the petitioner have already been granted the concession of bail. It is also submitted that on 03.07.2018 in a similar case, the Public Prosecutor has even made a statement that so far sanction has not been accorded by the State Govt. for prosecution of the accused persons, for the commission of offences punishable under Sections

121, 121-A, 122 IPC. The operative part of the order passed by the Additional Sessions Judge, Panchkula in case No.SC/13 of 2018 is reproduced as under: -

“Today, the proceedings were fixed for arguments on the point of framing charge-sheet against the accused. At the very outset, the learned Public Prosecutor has fairly conceded that for prosecuting the accused for the commission of offence punishable under Sections 121, 121-A and 122 of IPC, sanction has not been accorded by the Government and impressed upon the framing of charge under the remaining offences. Now, file be put up after some time as there are 41 accused in this case and counsels for some of them want to address arguments on the point of framing charge under remaining offences.

(Neerja K. Kalson)
ASJ, Pkl/03.07.2018”

Learned counsel for the petitioner has further submitted that similar is the situation in all the cases registered at Panchkula.

Learned State counsel has filed the custody certificate dated 12.07.2018 and as per this custody certificate, the petitioner is not involved in any other case except the present FIR. Learned State counsel, on instructions from Inspector Ashok Kumar, has however submitted that challan qua other co-accused has been filed and the same will be submitted against the petitioner in due course.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he was arrested in this case on the disclosure statement of co-accused and the allegation against

him is only that he was a follower of the dera and no overact has been attributed to him and also in view of the fact that conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

13.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No