

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

**CRM-M-28115-2018
Date of decision: 13.07.2018**

Govind Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Kundu, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 345 dated 27.08.2017, registered under Sections 120-B, 121-A, 145, 150, 151, 152 and 153 of the Indian Penal Code, 1860 at Police Station Sector 5, Panchkula.

Learned counsel for the petitioner submits that the petitioner is in judicial lock since 17.09.2017 and in various other FIRs, registered against him, the petitioner has already been granted concession of regular bail. Learned counsel for the petitioner further submits that the petitioner was arrested on the disclosure statement of a co-accused who has already been granted concession of regular bail.

Learned counsel for the petitioner has relied upon order dated 29.05.2018 passed by this Court in CRM-M-18476-2018, vide which, one Chhiner Pal Arora, who was working as CEO in MSG All Trading (P) Ltd., was granted concession of regular bail in the present FIR, by the following

order:

“This petition for regular bail has been filed by petitioner Chhinder Pal Arora, an accused in F.I.R. No. 345 dated 27.8.2017 for offence under Sections 120-B, 121, 145, 150, 151, 152, 153 IPC registered with Police Station Sector 5, Panchkula.

F.I.R. in this case was registered on the basis of written complaint submitted by Sh. Sanjeev Mahajan, In charge, City Dainik Bhaskar Newspaper to SHO Police Station Sector-5, Panchkula inter alia stating that on 25.8.2017, when he was present at HAFED Chowk, Panchkula along with his companions then Aditya Insan and other Dera followers were observed hatching a conspiracy to spread the violence and he had got published the news along with photographs in his newspaper and that he could identify Aditya Insan and Surender Insan.

Learned Senior counsel for the petitioner has submitted that the petitioner was working as CEO in MSG All Trading (P) Ltd. since September 2016 and his main job was to help the company to increase share in the market of food products manufacture by the company; he used to get Rs.5 lacs per month as salary. The petitioner is a Chartered Accountant/Company Secretary having experience of 23 years. He has nothing to do with the activities of the Dera. He was never a member of any alleged core committee and had not attended any meeting. He has been falsely involved in this case. He is behind bars for about 7 months. Though challan has been filed against him but the conclusion of trial is likely to take some time. Several co-accused like Rajinder Singh, Ved Parkash etc. have been granted bail by this Court, as such this concession be also afforded to him.

Wherein, learned State counsel has opposed the request vehemently contending that petitioner played role in the conspiracy to spread violence after conviction of Head of Dera Sacha Sauda in the violence which had spread to large areas in the Northern India. Several persons have also lost their lives and valuable properties got damaged, therefore, bail should not be granted to him.

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

As the things stand it is only during trial the guilt of the petitioner shall be established and it could be determined as to whether he was member of core committee which had hatched conspiracy to spread violence on conviction of the Dera Head, or not.

In the light of fact that petitioner is neither named in the F.I.R., no overt act has been attributed to him and no recovery of any weapon or incriminating substance or article has been effected from him and further the conclusion of trial is likely to take some time, I find that it would be in the fitness of things to allow the petition for grant of regular bail to the petitioner.

Therefore, the petition is accepted. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate,

Panchkula subject to the following conditions : - (i) he shall appear in the Court on each and every date of hearing. (ii) he shall not give any threat or intimidation to the prosecution witnesses. (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one otherwise to furnish affidavit in that regard.

In addition to that 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, the order shall be liable to be withdrawn.”

Learned counsel for the petitioner further submitted that though in the disclosure statement, it is stated that the petitioner was a member of the Core Committee, however, no evidence has been collected in this regard except the disclosure statement and the petitioner, who is an agriculturist, was arrested only on the basis that he was a follower of *Dera*.

Learned counsel for the petitioner further submitted that five more co-accused have also been granted concession of regular bail, vide order dated 01.06.2018 passed by this Court in CRM-M Nos. 22164, 22141, 22038, 22814 and 23624 of 2018. Learned counsel for the petitioner further submitted that other accused Daljit Singh, Ved Parkash, Rajinder Singh and Bagicha Singh, against whom there was similar allegation that they were the members of the Core Committee, have also been granted concession of regular bail vide order dated 14.05.2018 passed in CRM-M-10785-2018 and orders dated 06.04.2018 passed in CRM-M-6971-2018 and CRM-M-5085-2018.

Learned State counsel filed custody certificate which is taken on record. A perusal of the custody certificate shows that the petitioner is in judicial custody for the last 09 months and 26 days and he is on bail in all other FIRs except in FIR Nos. 333 and 342. Learned State counsel, on instructions from Inspector Ashok Kumar, further submits that the challan

has been presented and the charges are yet to be framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the long custody of the petitioner and in view of the fact that charges are yet to be framed and it will take some time in the conclusion of the trial and also in view of the fact that number of similarly situated co-accused have already been granted concession of regular bail, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

July 13, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No