

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

CRM-M-33029-2018 (O&M)

Date of Decision:-8.8.2018

Jai Parkash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anirudh Singh Shera, Advocate for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Jai Parkash has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.64 dated 15.3.2018 under Sections 188, 379, 186, 353, 307 and 34 of Indian Penal Code, 1860, Section 25 of Arms Act, Section 15 of Environment Protection Act and Section 4 of Mining Act at Police Station Tigaon, District Faridabad.

The allegations in nutshell are that upon receipt of secret information by the police to the effect that Jai Parkash (petitioner), Kannu and Sandeep were illegally mining with the help of JCB machine of Jai Parkash and Dumpers at the ramp of Yamuna river, a raid was conducted by the police and the secret informer identified the petitioner present at the spot, who was filling sand in the dumper with the help JCB machine. After identifying the present petitioner and his co-accused, the secret informer left the place and the police thereafter surrounded the place and warned the

accused that they have been surrounded but the accused challenged the police and started firing from their respective weapons and managed to escape under the cover of darkness.

Notice of the present petition was issued to the State.

The learned State counsel, while opposing the present petition, has submitted that the petitioner is involved in as many as 16 other cases out of which he has been acquitted in some cases while some cases are still pending against him.

The learned counsel for the petitioner has, however, submitted that he was never arrested at the spot and that in fact the so called secret informer who is stated to have identified him is not cited as a witness in the present case although the police is relying upon some other private witnesses.

The petitioner, in the present case, was arrested on 5.4.2018 and upon conclusion of investigation, challan has already been presented against the present petitioner.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the trial in its normal course is likely to take some time for its conclusion, in my opinion, no useful purpose will be served by keeping him behind bars any longer. The petition, as such, is accepted. The petitioner-Jai Parkash is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridabad.

It is, however, made clear that in case the petitioner-Jai Parkash indulges in any activity akin to one for which he has been convicted, while

on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner-Jai Parkash.

This petition stands disposed of accordingly.

8.8.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No