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

**CRM-M No.3318 of 2018 (O&M)
Date of Decision: 09.02.2018**

Simarjit

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. M.D. Sharma, A.A.G., Haryana.

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.320 dated 25.08.2017, registered under Sections 188, 285, 307, 34, 446 IPC, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 9-B of the Explosives Act at Police Station City Tohana District Fatehabad, Haryana.

FIR was registered at the instance of Executive Officer, Municipal Council, Tohana. The allegations made in the complaint were to the effect that on 28.08.2017 at about 4.25 p.m., the complainant was present in his office along with staff.

Some persons were seen with muffled faces at the gate of Municipal Council, Tohana. The main gate was closed. Those persons were having bottles filled with petrol, stones and bombs etc. in their hands and some of the employees of complainant's office were present at the gate. The miscreants threw petrol bottles on the employees with an intention to kill them. Suddenly fire erupted and the same was doused by the employees by putting earth on that. On hearing the noise, the persons of nearby areas and employees came on the spot and tried to caught hold of miscreants. It was further alleged that had the bottles filled with petrol and bombs laying in the hands of the miscreants been broken, the employees would have been killed.

Learned counsel for the petitioner submitted that the petitioner was arrested and sent to judicial custody on 25.11.2017. Name of the petitioner came to be disclosed by co-accused Jai Parkash in his disclosure statement along with seven more accused persons. Petitioner was not arrested at the spot. The fire was put off immediately by the employees and no harm was caused to anyone.

Learned counsel further submitted that offences under Sections 446 IPC, Section 9-B of the Explosives Act, 1884 and Section 3 of the PPD Act were deleted and offences under Section 436/34 were added. Challan has already been

presented. Co-accused namely Rakesh @ Rakesh Kumar @ Bali and Bajrang Lal, whose names were also disclosed by the co-accused Jai Parkash have been granted regular bail by this Court in **CRM-M No.48765 of 2017** and **CRM-M No.43938 of 2017** on 30.01.2018 and 01.02.2018 respectively.

On the other hand, learned State counsel opposed the prayer of the petitioner for the grant of bail by submitting that the petitioner is involved in an heinous crime and he was arrested during investigation of the case.

I have considered the submissions made by learned counsel for the parties.

Evidently, no person from the side of the complainant was injured in the alleged attempt made by the accused party to set the building on fire or to cause harm to the employees of the Municipal Council.

Taking into consideration the *prima facie* facts and circumstances of the case and without adverting to the merits of the case at this stage, I deem it appropriate to enlarge the petitioner on regular bail on parity with the co-accused, who have been granted bail by this Court.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail. subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 09, 2018

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No