

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

(i) **CRL. MISC. No.M-37480 OF 2017 (O&M)**
DATE OF DECISION : 1st JUNE, 2018

Manoj Duhan

.... Petitioner

Versus

Central Bureau of Investigation, Sector-30A, Chandigarh

.... Respondent

(ii) **CRL. MISC. No.31257 OF 2017 (O&M)**

Kulbir Singh

.... Petitioner

Versus

Central Bureau of Investigation & another

.... Respondents

(iii) **CRL. MISC. No.38405 OF 2017 (O&M)**

Abhishek @ Binni

.... Petitioner

Versus

Central Bureau of Investigation

.... Respondent

(iv) **CRL. MISC. No.39397 OF 2017 (O&M)**

Manoj Duhan

.... Petitioner

Versus

Central Bureau of Investigation, Sector-30A, Chandigarh

.... Respondent

(v) **CRL. MISC. No.39685 OF 2017 (O&M)**

Sudeep Kalkal

.... Petitioner

Versus

Central Bureau of Investigation

.... Respondent

(vi) CRL. MISC. No.15649 OF 2018 (O&M)

Hari Om @ Barola

.... Petitioner

Versus

Central Bureau of Investigation, Plot No.8, Sector-30A, Chd.

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. S. K. Garg Narwana, Senior Advocate with
Mr. Naveen Gupta, Advocate
for petitioner – Manoj Duhan.

Mr. Keshav Pratap Singh, Advocate
for petitioner – Kulbir Singh.

Mr. Sajjan Singh, Advocate
for petitioner – Abhishek @ Binni.

Mr. Akashdeep Singh , Advocate
for petitioner – Sudeep Kalkal.

Mr. Rajat Mor, Advocate
for petitioner – Hari Om @ Barola.

Mr. Sumeet Goel, Retainer Counsel-cum-Special Retainer
Counsel for the respondent-CBI.

Mr. Sidharth Sanwaria, DAG Haryana.

Mr. R. S. Rai, Senior Advocate with
Ms. Rubina Virmani, Advocate for respondent-complainant.

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A. B. CHAUDHARI, J.

These petitions are for regular bail related to the crimes registered during the *Jaat* agitation that had destroyed large number of properties in February, 2017.

These petitioners were arrested and a period of about two years has passed. The prosecution allegations are about ransacking and

attack and setting on fire the house of Captain Abhimanyu, who is the Minister in the present Government in the State of Haryana.

Earlier this Court had adjourned these matters from time to time as Central Bureau of Investigation (CBI) has taken over the investigation from the Haryana Police. The Haryana Police has already filed chargesheet. However since the investigation was handed over to the CBI and looking to the availability of the evidence even at that time this Court did not think it proper to grant regular bail as the investigation by the CBI remained pending. Some of the accused went to the Apex Court seeking the regular bail perhaps making a grievance that the CBI was also not completing the investigation within the reasonable time. It is in that context the Apex Court issued directions fixing the deadline namely 8th July, 2018 for CBI to file the final report.

I have heard learned counsel for the rival parties at length and I have also seen the specific replies given by the CBI in these cases. On the basis of the pending investigation by CBI, having given a conscious and careful thought in the matter, though I have had a look at the evidence produced before me, I think it would not be in the interest of justice that I should refer to the evidence that has been pointed out. This may cause prejudice to the parties. I therefore, think that it would be appropriate to allow the CBI to complete the investigation and file final report in the trial Court as the Apex Court has already fixed the deadline for the said purpose.

I am also of the opinion that keeping these petitions pending would be of no use as the final report if any would be filed in the trial

Court and it is thereafter the trial Court would be in a better position again to consider the plea for regular bail based on such final report. In that case this Court would have benefit of the reasons in the orders of the trial Court. In that view of the matter, I make the following order.

ORDER

- (i) All the petitions bearing numbers: CRM-M-37480-2017, CRM-M-31257-2017, CRM-M-38405-2017, CRM-M-39397-2017, CRM-M-39685-2017 and CRM-M-15649-2018 are disposed of.
- (ii) The petitioners are at liberty to apply for regular bail before the trial Court immediately after filing of the final report by the CBI before the trial Court.
- (iii) The trial Court shall entertain and decide the regular bail petitions of the petitioners afresh on the basis of material on record and after hearing both sides.

1st JUNE, 2018
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>