

208-5

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

CRM-M No.3973 of 2018

Date of Decision: 19.02.2018

Subhash

.....Petitioner

vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

RAJ MOHAN SINGH, J.

Petitioner has prayed for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.73 dated 26.08.2017, registered under Sections 148/149/188/332/353/436/506/511/120-B and Section 25 of the Arms Act (added later Sections 121/121-A IPC, Section 27 of the Arms Act, 1985 & Section 18 of the NDPS Act) at Police Station Mansa Devi Complex (MDC), District Panchkula, Haryana.

As per FIR, the allegations are that after the conviction of Dera Chief Gurmeet Ram Rahim by the CBI Court at Panchkula, the followers damaged and ransacked the public properties whichever came to their way. FIR was registered against number of persons, who came duly armed with stones,

sticks, plastic cans, bottles filled with petrol and diesel. Some of them were carrying deadly weapons like fire arms. They also threatened to kill whosoever came to their way and caused hindrance in the performance of public duty by public servants and police personnel present at the spot in order to maintain law and order situation.

CRM-M No.47528 of 2017 was filed by the co-accused Krishan Kumar before the High Court with the allegations that he was not named in the FIR. His name was disclosed by someone and during investigation, he was found to be follower of Dera. Vehicle of Krishan Kumar was found along with co-accused in Panchkula.

Similarly co-accused Ishwar Dass also filed **CRM-M No.47594 of 2017** on the ground that he and his handicapped son were coming to Panchkula for the treatment of his son. They hired taxi along with Surinder @ Bhola, Puneet and Rahul etc. When the petitioner came to know about the situation in Panchkula, he asked the taxi driver to drop him and his son at Ambala. They were dropped at Ambala, but somehow mobile phone of Ishwar Dass remained in the car. On the said premise, he was arrayed as accused. Other co-accused were arrested and were released by the Addl. Sessions Judge, Panchkula.

Vide order dated 30.01.2018 passed by this Court in

the aforesaid petitions, the co-accused/petitioner(s) were granted concession of anticipatory bail by this Court .

Vide order dated 15.11.2017 passed in **CRM-M No.35695 of 2017** and other connected petitions, the Co-ordinate Bench of this Court has already granted regular bail to some of the co-accused persons, who were members of the mob in Panchkula.

It would be debatable as to the complicity of the petitioner viz-a-viz. the alleged recovery effected from him and his involvement in the incident of causing damage to the public properties.

At this stage, without adverting to the merits of the case, it would be just and appropriate to grant concession of regular bail to the petitioner, who is in custody since 25.08.2017.

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 19, 2018

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No