

CRM-M-42725-2017;
CRM-M-43425-2017 &
CRM-M-45403-2017

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

(1) **CRM-M-42725-2017**

Rohtash and another

...Petitioners

Versus

State of Haryana

...Respondent

(2) **CRM-M-43425-2017**

Dharam Singh

...Petitioner

Versus

State of Haryana

...Respondent

(3) **CRM-M-45403-2017**

Gurvinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:-9.1.2018

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Sunil Sihag, Advocate for
Mr.S.S. Sahu, Advocate
for the petitioners in **CRM-M-42725-2017.**

Mr.S.K. Tripathi, Advocate
for the petitioner in **CRM-M-43425-2017.**

Mr.S.P.S. Sidhu, Advocate for
Mr.Rajesh Sharma, Advocate
for the petitioner in **CRM-M-45403-2017.**

Mr.Gaurav Bansal, AAG, Haryana.

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H.S. MADAAN, J.(ORAL)

By this order, I intend to dispose of three petitions i.e. **CRM-M-42725-2017** filed by petitioners Rohtash and Kamlesh Kumar, **CRM-M-43425-2017** filed by petitioner Dharam Singh and **CRM-M-45403-2017** filed by petitioner Gurvinder Singh, who are accused in FIR No.206 dated 25.8.2017, under Sections 148, 149, 186, 188, 353, 341, 307 IPC and Section 3 of Prevention of Damage to the Public Property Act, 1984 registered with Police Station Sector 14, Panchkula for grant of regular bail.

Briefly stated, facts of the case as per prosecution version are that on 25.8.2017 on receipt of information from Control Room that followers of Baba Gurmeet Ram Rahim Singh were causing damage and arson near Pallavi Hotel Market, Sector 16, Panchkula, Inspector Satish Kumar, SHO of Police Station Sector 14, Panchkula along with other police officials reached Sector-16 Market in official vehicle. The mob had attacked the vehicle in which said SHO and other police officials were travelling. The persons constituting the mob were having iron rods, stones, sticks etc. Glass-panes of the official vehicle were damaged and the police party was obstructed from discharging its official duties and rather the intention of the mob was to kill them. The persons forming the mob had violated Section 144 Cr.P.C. Formal FIR was registered. All the petitioners were arrested on 25.8.2017 and presently they are in judicial custody. Challan against them has since been presented before the Illaqa

Magistrate though the commitment proceedings are stated to be pending. The petitioners had moved separate applications for regular bail in the Court of Sessions, however, the same were dismissed by learned Sessions Judge, Panchkula, as such they have approached this Court by way of filing these petitions asking for the similar relief, notices of which have been issued to the respondent – State, which put in appearance through counsel.

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

It has been submitted by learned counsel for the petitioners that none of the petitioners is named in the FIR; that recoveries have already been effected; that none of the police officials had suffered any injury in the incident and as per the prosecution story itself merely glass-panes of the official vehicle were damaged and that several persons similarly placed have been granted concession of bail by this Court, therefore, the petitions be allowed.

Learned State counsel has opposed the petitions.

After giving a thoughtful consideration to the rival contentions, I find that petitioners are behind the bars for more than four months. Several co-accused of the petitioners have already been granted bail. Further detention of the petitioners is not going to serve any useful purpose.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners.

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Accordingly, the petitions are allowed. The petitioners in **CRM-M-42725-2017** namely Rohtash and Kamlesh Kumar, petitioner in **CRM-M-43425-2017** namely Dharam Singh and petitioner in **CRM-M-45403-2017** namely Gurvinder Singh are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Panchkula, on following conditions:

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It is made clear that if the petitioners are found to be involved in any criminal act at any stage after being released on bail, the order granting them bail would be liable to be withdrawn.

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The petitions stand allowed accordingly.

9.1.2018
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No