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

**CRM-M No.43938 of 2017
Date of Decision: 01.02.2018**

Bajrang Lal

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Ms. Neelam Kashyap, D.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 9-B of the Explosives Act, 1884 and Section 3 of Prevention of Damage to the Public Property Act, 1984 at Police Station City Tohana District Fatehabad, Haryana. Section 9-B of the Explosives Act, Section 3 of PDPP Act and Section 446 IPC were deleted and Section 436/34 IPC was added later on.

FIR was registered on the basis of complaint filed by the Executive Officer, Municipal Council, Tohana to the Station

House Officer, Police Station, Tohana on 25.08.2017 in the context of registering an FIR and taking legal action for attempting to commit arson in the office of Municipal Council, Tohana. The complainant alleged that on 25.08.2017 at about 4.25 p.m., he was present along with his staff in the office. At that time, some persons were seen with muffled faces at the gate of Municipal Council, Tohana. The main gate was closed from inside. Those persons were carrying bottles with petrol, stones and bombs etc. Some of the employees were also present at the gate. On seeing those persons, the employees rushed towards the gate. Those persons threw bottles of petrol at the employees with an intention to kill them and suddenly fire erupted which was doused by other employees by putting earth on it. Many persons of nearby areas attracted to the spot on hearing the noise. Had the bottles of petrol been broken, the employees would have been killed.

Learned counsel for the petitioner submitted that name of the petitioner came to fore only on the basis of disclosure statement of co-accused Jai Parkash and on account of recovery of motorcycle. Nobody was injured. Only an attempt was shown to throw petrol bottles on the employees.

Learned counsel further submitted that the petitioner was not arrested at the spot. There was no material collected by

the police during investigation that the petitioner and co-accused were having explosives and they caused damage to the public property. The offences under Section 446 IPC, Section 9-B of the Explosives Act and Section 3 of PPD Act were deleted and offences under Sections 436/34 IPC were added. Petitioner is in custody since 02.09.2017. Challan has already been presented.

On the other hand, learned State counsel submitted 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.

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

Similarly in **CRM-M No.555 of 2018** titled '**Amolak**

Singh and others vs. State of Punjab' decided on 22.01.2018 the accused in FIR No.80 dated 25.08.2017 involved in the incident at Mansa and in **CRM-M No.252 of 2018** titled **'Satnam Singh and others vs. State of Haryana'** decided on 18.01.2018 the accused in FIR No.148 dated 29.08.2017 involved in the incident at Jakhal, District Fatehabad have also been granted regular bail by the Co-ordinate Bench of this Court.

This Court has also granted regular bail to the accused involved in the incident at Talwandi Sabo in respect of FIR No.225 dated 25.08.2017 and the accused involved in the incident at Bhikhi, District Mansa in FIR No.96 dated 25.08.2017 vide orders dated 30.01.2018 passed in **CRM-M No.1178 of 2018** titled **'Amritpal Singh and others vs. State of Punjab** and **CRM-M No.1554 of 2018** titled **'Major Singh vs State of Punjab.'** respectively.

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, who is in custody since 02.09.2017.

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 02, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No