

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

**CRM-M No.47528 of 2017
Date of Decision: 30.01.2018**

Krishan KumarPetitioner
Vs
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vijay Pal, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.73 dated 26.08.2017, registered under Sections 120-B, 148, 149, 188, 332, 353, 436, 506, 511 IPC and Section 25 of the Arms Act at Police Station Mansa Devi Complex, Panchkula, Haryana.

The allegations are that on 25.08.2017, followers of Guru Gurmit Ram Rahim after his conviction by the CBI Court at Panchkula caused damage to the public property and ransacked public/private properties which have come into their way. They were armed with deadly weapons and inflammable material like petrol/diesel canes. They threatened to kill

whosoever came to their way and caused hindrance in the performance of public duty by the police, who were present at the spot in order to maintain law and order situation. FIR was registered against number of persons. Petitioner was not named in the FIR. His name was disclosed by someone. During investigation, petitioner was found to be a follower of Dera and his vehicle bearing registration no.HR-39-C-4730 along with co-accused was found. Co-accused have been arrested and the custodial interrogation of the petitioner is claimed by the police.

Notice of motion was issued and thereafter reply has been filed on behalf of the State. As per reply filed by Assistant Commissioner of Police, Panchkula arrest warrant of the petitioner was issued on 03.11.2017. On 08.01.2018, proceedings in respect of declaring the petitioner as a proclaimed offender were carried out. The petitioner has not joined the investigation despite notice issued to him and a proclamation has been issued against him.

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 granted regular bail to some of the accused persons, who were the members of the mob in Panchkula.

Prayer for the grant of anticipatory has been declined

by the Addl. Sessions Judge, Panchkula to the petitioner primarily on the ground that his presence in the Panchkula was proved and he allegedly came to Panchkula to express his love and faith to the Chief of Dera and to seek his blessings. He came to Panchkula on his motorcycle.

It would be debatable as to the complicity of the petitioner in respect of his involvement in causing damage to the public property.

In view of above, at this stage without adverting to anything on merits of the case, petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 07.02.2018 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency. The petitioner shall keep on appearing before the Investigating Officer and co-operate in the investigation as and when required to do so. The Investigating Officer would be at liberty to file cancellation of bail in the event of non-cooperation by the petitioner in the investigation.

January 30, 2018

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No