

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

**CRM-M No.47594 of 2017
Date of Decision: 30.01.2018**

**Ishwar DassPetitioner
Vs
State of HaryanaRespondent**

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

Present: Dr. Deipa Singh, 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 148, 149, 188, 332, 353, 436, 506, 511, 120B/121, 121A IPC and Section 25 of the Arms Act (Sections 121, 121-A IPC, Section 27 of the Arms Act and Section 18 of the NDPS Act added later on) at Police Station Mansa Devi Complex, Panchkula, Haryana.

The aforesaid FIR was registered against a huge crowd, which came over duly armed with stones, sticks, plastic cans, bottles filled with petrol and diesel. Some of them were carrying fire arms. They caused damaged to the public property

when Guru Gurmit Ram Rahim Singh was convicted by the CBI Court at Panchkula. Petitioner was not named in the FIR.

Learned counsel for the petitioner submitted that petitioner along with his handicapped son was coming to Panchkula for the treatment of his son. They hired a taxi along with one Surinder @ Bhola, Puneet and Rahul etc. As soon as they reached Ambala, they came to know about the situation in Panchkula. The petitioner asked the taxi driver to drop him at Ambala. Petitioner and his handicapped son were dropped at Ambala, but somehow mobile phone of the petitioner was left in the car. On 26.08.2017, Surinder @ Bhola were arrested by the Police along with the car in question. Later on they were released on regular bail by the Addl. Sessions Judge, Panchkula. Petitioner has been involved solely on the basis of disclosure statement of Surinder @ Bhola.

On the other hand, learned State counsel opposed the prayer of the petitioner by way of filing reply on behalf the State. It has been alleged by learned State counsel that arms along with one .32 bore revolver with 10 live cartridges and one rifle .30 bore were recovered from the co-accused.

Learned State counsel admitted that 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.

It would be debatable as to the complicity of the petitioner viz.-a-viz. alleged recovery effected from the car. Petitioner was not named in the FIR. He was implicated only after disclosure statements made by the co-accused, who were arrested in the case.

In view of above, at this stage without advertng 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

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No