

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

CRM-M No. 48239 of 2017

DATE OF DECISION :- January 10, 2018

Har Charan Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Dr. Deipa Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana

This petition for regular bail has been filed by petitioner Har Charan Singh, an accused in F.I.R. No. 433 dated 26.8.2017 for offences under Sections 124-A, 148, 149, 436, of the Indian Penal Code as well as Sections 3, 4 of Explosive Substances Act, 1908 registered with Police station Shahbad, District, Kurukshetra.

Briefly stated the facts of the case as per prosecution story are that the petitioner along with their co-accused set Telephone Exchange Nalvi on fire with petrol on 25.8.2017 at about 5.20 P.M. with a purpose to spread unrest and fear in the general public causing damage to the tune of Rs.1,91,000/-, that the petitioner along with others had constituted unlawful assembly which had caused damage to the public property to show resentment against conviction of Head of Dera Sacha Sauda. He was arrested in this case on 26.8.2017 and after completion of investigation, challan had been filed against him.

Learned counsel for the petitioner has contended that petitioner is not named in the F.I.R. and his name cropped up during disclosure statements

of co-accused Amrik Singh and no explosive substance or weapon was recovered from the accused and that offence under Section 124-A is not attracted.

Learned counsel for the petitioner states that since the trial is at preliminary stage, its conclusion is likely to take considerable time and further as regards the similar incident at Panchkula, a coordinate Bench has granted bail to petitioner-accused Kasturi Lal in Crl. Misc. No. M-37088 of 2017 vide order dated 9.11.2017, therefore, the petition be allowed.

Learned State counsel has opposed the petition contending that there are serious allegations against the petitioner and he has caused loss to the public property to the tune of Rs.2 lacs around.

Responding to such contentions, learned counsel for the petitioner has contended that loss to the public property caused by the mobs protesting against conviction of Head of Dera Sacha Sauda has been assessed by the government and recovery is to be made from properties of Dera Sacha Sauda.

After hearing these contentions and without going into the merits of the case, I find that since petitioner is behind bars more than three months and the trial is at preliminary stage, their guilt shall be determined during the trial. I find that it would be in fitness of things if the present petition is allowed.

The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Kurukshetra subject to the following conditions : -

- (i) He shall appear in the Court on each and every date of hearing.

(ii) He shall not give any threat or intimidation to the prosecution witnesses.

(iii) He 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 petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

January 10, 2018

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No