

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

**CRM-M No.48765 of 2017  
Date of Decision: 30.01.2018**

**Rakesh @ Rakesh Kumar @ Bali**

**.....Petitioner**

**Vs**

**State of Haryana**

**.....Respondent**

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

Present: Mr. Aditya Sanghi, Advocate  
for the petitioner.

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

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**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, 436, 201 IPC, Section 3 of the PPD Act and Section 9-B of the Explosives Act at Police Station City Tohana District Fatehabad, Haryana.

FIR was registered at the instance of Executive Officer, Municipal Council, Tohana. The allegations made in the complaint were to the effect that on 28.08.2017 at about 4.25 p.m., the complainant was present in his office along with staff. Some persons were seen with muffled faces at the gate of

Municipal Council, Tohana. The main gate was closed. Those persons were having bottles filled with petrol, stones and bombs etc. in their hands and some of the employees of complainant's office were present at the gate. The miscreants threw petrol bottles on the employees with an intention to kill them. Suddenly fire erupted and the same was doused by the employees by putting earth on that. On hearing the noise, the persons of nearby areas and employees came on the spot and tried to caught hold of miscreants. It was further alleged that had the bottles filled with petrol and bombs laying in the hands of the miscreants been broken, the employees would have been killed.

Learned counsel for the petitioner submitted that name of the petitioner came to be disclosed by the co-accused in their disclosure statement. The fire was immediately put off by the employees and no harm was caused to them.

Learned counsel further submitted that the petitioner was not arrested at the spot. Offences under Sections 446 IPC, Section 9-B of the Explosives Act, 1884 and Section 3 of the PPD Act were made out. 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. No person was injured. 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 18.09.2017. 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 and thereafter he suffered his disclosure statement in respect of his involvement. The petitioner had thrown the petrol bomb towards the employees of the Municipal Council. He was apprehended at a later stage and his torn shirt was taken into possession by the Police.

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 co-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 order of even date 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 advertting 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 18.09.2017.

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.

January 30, 2018

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**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned                      Yes/No

Whether reportable                                Yes/No