

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

CRM-M No.48826 of 2017

Date of Decision: 15.05.2018

Jagdish and others

....Petitioners

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. G.P.S. Bal, Advocate
for the petitioners.

Mr. Deepak Sabharwal, Addl. A.G., Haryana

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in case FIR No.428 dated 18.11.2014 registered under Sections 107, 147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 224, 225, 307, 332, 342, 353, 436 IPC and Section 25, 54 and 59 of the Arms Act at Police Station Barwala, District Hisar and later on altered as Sections 114, 147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 307, 332, 342, 353, 420, 435, 333, 326-A IPC and Section 25, 27, 30 of the Arms Act, Sections 3/4/7 of the Explosive Substance Act, 3/4 PDPP Act and Sections 16, 18, 20, 22-C and 23 of the Unlawful Activity (Prevention) Act, 1967 (added later on).

Earlier also, the bail petition filed by respondents No.1 and 2 was dismissed and it is their second application, whereas, petitioner No.3 earlier filed bail petition on two occasions and this is his third petition.

Learned counsel for the petitioners submits that the petitioners

have falsely been implicated in the case on the basis of allegations without having any connecting evidence. There is no incriminating evidence with which the petitioners can be connected with the allegations in the FIR. Learned counsel also submits that a false recovery has been planted upon the petitioners, whereas, they were not involved in any manner. Co-accused of the petitioners have been released on regular bail by this Court vide order dated 01.04.2016 passed in **CRM No.M-6917 of 2016**. In that case also, the petitioners were member of mob and were armed with *lathies, dandas, fire arms* and made an attempt to obstruct the police party to enter the Ashram of Rampal. Learned counsel also submits that in aforesaid case, it was mentioned in the order itself that there was an allegation of using of petrol bombs and explosions. Learned counsel further submits that in the present case also, the general allegations have been levelled and no individual role has been attributed.

Learned State counsel has opposed the submissions made by learned counsel for the petitioners on the ground that it was clear from the CCTV footage that the petitioners have played an active role and recovery was also effected from them. However, learned State counsel has not disputed the stage of trial; custody period of the petitioners and also the release of co-accused on bail in **CRM No.M-6917 of 2016**. At the end, learned State counsel submits that 36 accused are still absconding and they have been declared as proclaimed offenders. There is possibility that the petitioners may not co-operate during trial also and they may abscond. In some of the cases, the accused have absconded after passing of bail order. Learned State counsel also submits that the petitioners are involved in other cases as well where they have not been released on bail.

As far as other cases are concerned, in case, the petitioners, in those cases, are not on bail, they will not be released in case they get bail in those cases.

Keeping in view the submissions made by learned counsel for the parties and by considering the custody; stage of trial as well as the parity as co-accused of the petitioners has been released on regular bail, the present petition is allowed and the petitioners are directed to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court subject to following terms and conditions :-

- (i) that the petitioners shall be present before the trial Court on each and every date as and when required;*
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any witness of the case;*
- (iii) that they shall not leave India without prior permission of the Court;*
- (iv) that they shall abide by any other terms and conditions to be imposed by the trial Court.*

However, in case, the petitioners violate any of the conditions imposed above or to be imposed by the trial Court, the State shall be at liberty to move an application for cancellation of bail.

15.05.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No