

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 49196 of 2017 (O&M)
Date of decision : 6.2.2018

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Vineet Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

2) CRM-M No. 49257 of 2017 (O&M)

...

Meena Bansal

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner in CRM-M-49196-2017

Mr. Raman Mohinder Sharma, Advocate
for the petitioner in CRM-M-49257-2017

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

Vide this judgment, I intend to dispose of CRM-M-49196-2017 titled as Vineet Kumar vs. State of Haryana and CRM-M-49257-2017 titled as Meena Bansal vs. State of Haryana, as both these petitions have arisen out of same FIR.

The abovesaid petitions for grant of regular bail have been filed by petitioners Vineet Kumar and Meena Bansal, both of them being accused in FIR No.696 dated 26.8.2017 for offences under Sections 147, 148, 149, 307, 124 A, 435, 436, 332, 353, 188, 186 IPC and section 3/4 Public Property (Prevention of Damage) Act, 1985 and Section 25 of Arms act registered at police Station City Sirsa District.

Briefly stated facts of the case as per prosecution story are that on 26.8.2017 at about 4 PM after the conviction of Gurmeet Ram Raheem, Head of Dera Sacha Sauda, his followers raised anti nation slogans and trespassed premises of Milk Plant, by breaking its gate. There after setting it on fire The vehicles parked inside the Milk Plant were also set ablaze. The police officials were assaulted, their wireless sets were damaged and official weapons were snatched. CCTV cameras were installed, the hard disks of which were sought and during investigation it came out that hard disks had been removed and destroyed by the petitioner Vineet Kumar. He was arrested and during the course of investigation he disclosed that he had destroyed 65 hard disks relating to CCTV cameras. He was arrested on 12.9.2017. Where as petitioner Meena Bansal had given anti national speech for setting the Milk Plant on fire, thereby causing loss to public property. She is in custody since 29.9.2017.

Both the petitioners had moved applications for regular bail but the same were declined by the Additional Sessions Judge, Sirsa, vide orders dated 4.12.2017 and 11.12.2017, as such they have approached this Court by way of filing the present petitions, craving

for similar relief, notice of which were issued to the respondent State, which has put in an appearance through counsel.

I have heard learned counsel for the petitioners and learned State Counsel besides going through the record.

Learned counsel for petitioner – Vineet Kumar has argued that petitioner has not committed any substantive offence and the allegations against him, at the best disclose offence under Section 201 IPC. It is further argued that though challan has been filed, but it is at preliminary stage. The petitioner has been wrongly involved in this case being a follower of Dera Sacha Sauda; that he is behind the bars for more than 4 months and is not involved in any other case.

Whereas, learned counsel representing petitioner – Meena Bansal, states that she is a middle aged woman, married, having a 16 years old child. Her husband is a kiriyana merchant and she does not have any criminal back ground. Further more, she does not know how to make speech and has been wrongly roped in; that she is behind the bars for more than 3 months, as such, she be granted regular bail, as the conclusion of trial is likely to take considerable time.

Learned Stated counsel opposing the request vehemently, states that both the petitioners should not be granted regular bail as they had played an important role in the entire episode.

After hearing the rival contentions, without saying anything on the merits of the case, I find that since the petitioners are in custody for several months and trial is at preliminary stage and will take considerable time for conclusion, the guilt of such accused shall

be determined during the trial. Therefore, it shall be in the fitness of the things to grant regular bail to them, though on stringent terms and conditions.

Accordingly, both the petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing personal and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa subject to the following terms and conditions:-

- i) that the petitioners would deposit a sum of Rs.50,000/- each in the Court as token cost of destruction of public property.
- ii) that the petitioners shall appear in the Court on each and every date of hearing;
- iii) that the petitioners shall not, try to tamper with the prosecution evidence;
- iv) that the petitioners shall not leave India without the prior permission of the Court and shall surrender their passport, if they have got one, otherwise to furnish affidavit in that regard.

The bonds be accepted on fulfillment of the conditions aforesaid only. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

6.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No