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

CRM-M No.522 of 2018

Date of Decision: 16.02.2018

AMIT KUMAR @ GAGGI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Khiva, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.96 dated 25.08.2017, registered under Sections 307, 436, 427, 148, 149 IPC read with Section 3 (i)(ii) of the Prevention of Damages to Public Property Act, 1984, further added Sections 188, 120-B IPC read with Section 4 of the Prevention of Damages to Public Property, Act 1984 and further added Sections 3, 4 of the Explosives Substances Act, 1908 at Police Station Bhikhi, District Mansa.

As per allegations made in the FIR, complainant alleged that he went to his fields for inspection at about 2.00 p.m., and when he was coming back, he stopped outside the Seva Kendra which was closed at that time. At about 3.30 p.m.,

seven unidentified young persons came on their motorcycles. They were duly armed with *rod*, *kirpan*, wooden *dandas* and petrol bottles. They were proceeding towards the Seva Kendra by making exhortation that the Seva Kendra should be burnt. They started breaking the glasses of Seva Kendra with their weapons. When the complainant tried to stop them, they intended to kill him by throwing petrol and lit the fire. The complainant had to withdraw from the place. The miscreants burnt the Seva Kendra by throwing petrol in front of the complainant. The alarm raised by the complainant attracted Sabjinder Singh @ Sabi, Karnail Singh Bhau and other persons sitting in nearby Dharmshala. On seeing them, all the miscreants fled away from the spot on their motorcycles.

Learned counsel for the petitioner submitted that the FIR was registered against the unidentified persons. The petitioner was implicated on the basis of supplementary statement of complainant Gurmeet Singh @ Geeti. Allegations of instigation were made against Major Singh, who has already been granted bail by this Court vide order dated 30.01.2018 passed in **CRM-M No.1554 of 2018**.

Learned counsel further submitted that the FIR was registered in the wake of conviction of the Head of Dera Sacha Sauda. When, the miscreants broke the glasses of Seva

Kendra, the fire was extinguished immediately by the persons present at the spot. The loss caused to the Seva Kendra was tentatively assessed to Rs.15,000/-. No specific role has been attributed to the petitioner, except that he acted on the basis of instigation of one Major Singh. Petitioner is in custody since 28.08.2017. Challan has already been presented.

The statement of aforesaid facts could not be disputed by the learned State counsel on instructions from ASI Pardeep Kumar.

Taking into consideration the aforesaid facts and without adverting to the merits of the case at this stage, I deem it appropriate to enlarge the petitioner on regular bail.

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.

February 16, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No