

208

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

CRM-M No.5786 of 2018

Date of Decision: 21.02.2018

Varinder Singh @ Barinder Singh @ Binta

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok Paul Batra, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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, 188, 148, 149, 120-B IPC read with Sections 3 and 4 of the Prevention of Damages to Public Property Act, 1984 and Sections 3 and 4 of Explosive Substance Act, 1908 at Police Station Bhikhi, District Mansa.

The aforesaid FIR was registered on the statement of Gurmeet Singh @ Geeti with the allegations that he is a farmer and Panch of the village. Seva Kendra of the village is situated near grain market and Government dispensary of the village. At about 2.00 p.m., when the complainant went to his fields for

inspection and while coming back, he stopped outside the Seva Kendra which was closed due to prevailing circumstances. At about 3.30 p.m., seven unidentified young persons came on their motorcycles from the side of village Bir Khurd. They were armed with *rod*, *kirpan*, wooden *dandas* and petrol bottles. They were proceeding towards Seva Kendra. They said in one voice that Seva Kendra should be burnt. They started breaking the glasses of Seva Kendra with their arms. The complainant tried to stop them. They tried to kill the complainant by throwing petrol and lit the fire. The complainant withdrew from the place. The miscreants burnt the Seva Kendra by throwing petrol in front of the complainant. Complainant shouted loudly, then Sabjinder Singh @ Sabi, Karnail Singh Bhau and other persons sitting in nearby Dharmshala attracted to the spot. On seeing them, all the seven persons fled away on their motorcycles towards village Mohar Singh Wala. The FIR was registered against the unidentified persons, who tried to kill the complainant by throwing petrol in protest and the decision against Head of Dera Sacha Sauda. The miscreants have broken the glasses of Seva Kendra. The persons present at the spot extinguished the fire immediately and the loss caused to the Seva Kendra was tentatively assessed to Rs.15,000/-.

Learned counsel for the petitioner submitted that FIR

was registered against unknown persons and the petitioner was implicated solely on the basis of his suspicion being follower of Dera Sacha Sauda. The allegations against the petitioner were made that he was involved in six different cases of arson on the same day at different places.

The presence of the petitioner at six different places on the day of occurrence would be debatable in the context of material on record. Petitioner is in custody since 21.09.2017. Co-accused Major Singh has been granted regular bail by this Court on 30.01.2018 in CRM-M No.1554 of 2018. Similarly, Paramjit Singh and Avtar Singh have been granted regular bail by this Court on 06.02.2018 in CRM-M No.3332 of 2018.

Taking into consideration the aforesaid facts and without meaning anything on the merits of the case, at this stage, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 21, 2018.

(RAJ MOHAN SINGH)
JUDGE

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No