

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 8733 of 2018 (O&M)

Date of decision : 16.5.2018

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Sunil

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Ms. Neelam Mor, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Sunil, an accused in FIR No. 156 dated 26.8.2017, for offences under Sections 186, 188, 216, 332, 353, 436, 34 120-B IPC and Section 4 of Prevention of Damage to the Public Property Act, registered at police Station Loharu, District Bhiwani.

Briefly stated, facts of the case as per prosecution story are that on 25.8.2017, at about 5.40 P.M. in aftermath conviction of head of Dear Sacha Sauda, Sirsa, some unknown person sprinkled petrol on 33 KV Sub Station, Baralu and set it ablaze. In addition to that injuries to 4-5 employees of Electricity Nigam, who were present

there in connection with their official duties, were caused. SDO, DHBVNL, Loharu, had submitted a written complaint to the police, which formed basis of registration of FIR.

After registration of the FIR, investigation in the case started. Petitioner Sunil was arrested in this case. He had moved an application for regular bail before the Court of Sessions, but the same was dismissed vide order dated 17.1.2018 passed by Additional Sessions Judge, Bhiwani, as such he has approached this Court by way of filing the present petition, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Admittedly, the petitioner is not named in the FIR. He was arrested in this case on 26.8.2017. However, no recovery was effected from him. Challan has been filed and charge has been framed. However, the trial is at preliminary stage. The guilt of the accused, shall be determined during the trial. As such without touching the merits of the case, in my considered view it is a fit case to grant regular bail to the petitioner, though on stringent terms and conditions.

Though it is stated by learned State counsel that petitioner is involved in three more cases, but admittedly he is not named in any of the cases and no incriminating item or article has been recovered from his possession. As such without saying anything on merits of the case, the petition is accepted and the petitioner is ordered to be released on bail subject to furnishing of surety bonds and personal

bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bhiwani, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.
- iv) that the petitioner shall deposit a sum of Rs.50,000/- with DHBVNL, Loharu, which will be a pre-condition for acceptance of bail by the trial Court.

In addition to this the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

16.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No