

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 9915 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. 104 dated 26.8.2017, for offences under Sections 436, 427, 186, 188, 506, 120-B, 216, 212 read with 34 IPC and Section 4 of Prevention of Damage to the Public Property Act, registered at police Station Bahal, District Bhiwani.

Briefly stated, facts of the case as per prosecution story are that on 26.8.2017, Sub Divisional Officer, DHBVNL, Behal, submitted a written complaint to the police submitting therein that on 25.8.2017 at about 6.30 P.M. in aftermath conviction of head of Dera Sacha Sauda, Sirsa, an Alto car of white colour without number plate

stopped at the gate of Power House and four persons alighted therefrom. They set the control panel of the Sub Station on fire by sprinkling petrol thereon. Two of those persons were armed with sharp edged weapons. When the employees present on duty at 33 KV Sub Station Serla, tried to caught hold of them, they threatened to eliminate them and fled away from the spot towards Obra side. Of those persons, two were identified as Manu s/o Ram Partap r/o village Nunsar and Mehender s/o Harswarup r/o Chehar Kalan, by the officials of Electricity Department. Subsequently, it came out that those persons were devotees of Dera Sacha Sauda. As a result of fire, damage to the Sub Station to the extent of Rs.7-8 lacs was caused. On the basis of that complaint, the FIR was registered.

After registration of the FIR, investigation in the case started, during the course of which car used in the incident was recovered. Manu Kumar accused was arrested. Manu Kumar was interrogated, during the course of which he disclosed that on the fateful day, he alongwith his friends, which included the present petitioner Sunil had set the power house on fire. Accused Sunil was arrested in this case on 2.9.2017 through production warrant since he was already in jail in another 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 2.9.2017. 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.

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 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.

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, Bahal, 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