

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6601-2019 (O&M)
Date of Decision:-3.5.2019

Mahinderpal @ Bittu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.B.S. Gill, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. By way of filing this petition, the petitioner Mahinderpal @ Bittu seeks grant of regular bail in respect of a case registered against him vide FIR No.33 dated 7.3.2011 under Sections 283, 353, 186, 427, 323, 436, 148 and 149 of Indian Penal Code, 1860 and Section 3 of Prevention of Damage to Public Property Act, 1984 (Sections 120-B IPC and Section 4 of Prevention of Damage to Public Property Act, 1984 and Sections 27, 54, 59 of Arms Act were added later on) at Police Station City, Moga, District Moga.
2. The allegations, as per the FIR, are that on 7.3.2011, about 200-300 followers of Dera Sacha Sauda, who were armed with 'sticks' and sharp edged weapons had blocked traffic on Moga-Kot Kapura bypass road and had set on fire one Pepsu Road Transport Corporation bus and had also damaged other public vehicles passing on that road.
3. While the FIR was lodged in the year 2011, the present petitioner was arrested on 10.6.2018 pursuant to a disclosure statement made by one co-

accused while in custody in case FIR No.79 dated 4.11.2015 registered under Section 295-A of Indian Penal Code, 1860 at Police Station Samalsar.

4. I have heard the learned counsel for the petitioner and also the learned State counsel.
5. It has been informed that the challan has since been presented in the present case and that the matter is now fixed to consider the framing of charges on 16.5.2019. It has further been informed that not even a single prosecution witness, out of the 30 cited prosecution witnesses, has been examined so far.
6. In view of the aforestated position, wherein I find that the petitioner has been behind bars since the last more than ten months and that the trial in its normal course, which is yet to commence, is not likely to be concluded in immediate future, since as many as 30 prosecution witnesses have been cited, in my opinion, no useful purpose would be served by indefinitely detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Mahinderpal @ Bittu is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. However, in case the petitioner Mahinderpal @ Bittu indulges in any activity akin to the present case, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.
8. This present petition stands accepted accordingly.

3.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No