

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9197-2019

Date of decision: 07.03.2019

Parminder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Bijender Dhankhar, Advocate for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Parminder Singh, in case FIR No. 696 dated 26.08.2017 registered under Sections 124-A, 147, 148, 149, 188, 307, 435, 436, 109, 201, 332, 353, 186 and 120-B IPC; Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 and Section 25 of Arms Act at Police Station City Sirsa, District Sirsa.

According to the prosecution, on 26.08.2017 at about 4 PM, after the conviction of Gurmeet Ram Raheem, Head of Dera Sacha Sauda, his followers raised anti nation slogans and trespassed premises of Milk Plant, by breaking its gate. Thereafter, setting it on fire, the vehicles parked inside the Milk Plant were also set ablaze. The police officials were assaulted, their wireless sets were damaged and official weapons were snatched. CCTV cameras were installed, the hard disks of which were sought and during investigation it came out that hard disks had been

removed and destroyed by co-accused-Vineet Kumar. Petitioner was arrested on 24.11.2018.

He had moved application for regular bail, but the same was declined by the Additional Sessions Judge, Sirsa, vide order dated 29.01.2019 (Annexure P-4) and as such, he approached this Court by way of filing the present petition, craving for similar relief, notice of which, was issued to the respondent State, which has put in appearance through counsel.

Learned counsel *inter alia* contends that petitioner has not committed any substantive offence. The allegations levelled against him, at the best, disclose commission of offence under Section 201 IPC. It is further argued that though challan has been filed, but it is at preliminary stage. The petitioner has been wrongly involved in this case being a follower of Dera Sacha Sauda. He is behind bars since 24.11.2018 and is not involved in any other case. Conclusion of trial may take sufficient long time. No useful purpose would be served by detaining him behind bars. Co-accused of the petitioner, namely; Vineet Kumar and Meena Bansal, have already been granted regular bail by this Court vide consolidated order dated 06.02.2018 (Annexure P-3) passed in CRM-M Nos. 49196 and 49257-2017. Thus, treating the case of the petitioner on the same parity, he may also be granted regular bail.

On the other hand, learned State counsel vehemently opposed the submission of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed.

Consequently, petitioner-Parminder Singh is ordered to be released on bail

pending trial, treating his case on the same parity as that of his co-accused- Vineet Kumar and Meena Bansal, on his furnishing personal and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa, subject to the following terms and conditions:-

- i) that the petitioner would deposit a sum of Rs.50,000/- in the Court as token cost of destruction of public property.
- ii) that the petitioner shall appear in the Court on each and every date of hearing;
- iii) that the petitioner shall not, try to tamper with the prosecution evidence;
- iv) 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.

The personal and surety bonds may be accepted on fulfillment of the conditions aforesaid only. In case, the petitioner violate, any term and condition aforementioned, on which bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail

March 07, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No