

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

**CRM-M No. 27678 of 2018
Date of decision : 30.01.2019**

Dilawar Singh Saroha

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. J. S. Bedi, Senior Advocate with
Mr. Shiv Charan Bhola, Advocate for the petitioner.
Mr. Chetan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 345 dated 27.08.2017 under Sections 120-B, 121-A, 145, 150, 151, 152, 153 of the Indian Penal Code, 1860 (for short - 'IPC'), registered at Police Station – Sector 5, Panchkula (Sections 121, 146 & 216 IPC added subsequently), during pendency of the trial.

Learned Senior counsel for the petitioner submits that the petitioner has falsely been implicated, whereas he was not involved. Case of the petitioner and allegations against him are at par with co-accused Chhinder Pal Arora and 20 others, who have been released on regular bail by this Court vide order dated 29.05.2018 and some other dates. Petitioner is in custody since 14.09.2017 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed custody period, however,

he has opposed bail on the ground that role of the petitioner was different and he cannot be compared with other co-accused, who have been released on bail. Petitioner was the member of the core committee and was performing the duty in different manner as he was having higher responsibilities of managing of the show and the other activities assigned to him being the spokes person of the Dera.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

Admittedly, a number of the accused have been released on regular bail on different dates. Allegations against the petitioner are matter of evidence, which shall be tested by the trial Court during course of the trial. Co-accused namely Chhinder Pal Arora, who was also member of the core committee like the petitioner, has been released on regular bail vide order dated 29.05.2018.

By considering the custody period of the petitioner since 14.09.2017 and on the basis of parity with co-accused Chhinder Pal Arora and also the fact that trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

30.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No