

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

CRM-M No. 28456 of 2018

Date of decision : 14.02.2019

Daan Singh

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vinod Ghai, Senior Advocate with
Mr. J. S. Mehndiratta, Advocate for the petitioner.
Mr. Chetan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J.

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

Learned Senior counsel for the petitioner submits that the petitioner has falsely been implicated by alleging that he participated in the meeting held on 17.08.2017 at Dera Sacha Sauda, Sirsa and instigated the public at large. Learned Senior counsel also submits the petitioner was not present at the place of occurrence as is clear from the call details of that period. The allegations levelled in the statements recorded under Section

161 Cr.P.C. of HC Vikas and Anil Kumar are against co-accused who have been released on bail. The name of the petitioner does not figure in the statement of Rajesh Kumar recorded under Section 164 Cr.P.C. The alleged amount recovered from the petitioner was not connected with the commission of the alleged offence in any manner. Learned Senior counsel also submits that case of the petitioner is at par with co-accused Ram Singh, who has been released on bail. Petitioner is in custody since 08.09.2017 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period undergone by the petitioner. However, he opposed the bail on the ground that role of the petitioner is different from those co-accused who have been released on regular bail. He also submits that a car being used by the petitioner, which was in the name of the Dera, amount of ₹ 2,10,000/- in cash, 11 mobile phones, 5 pen-drives, one laptop, 18 CDs were recovered from him. The CDs have been sent for examination and reports have not been received so far. Petitioner was the member of the core committee and was actively participating in management of future planning. He was assigned more responsibilities and was having position to dictate or to give direction to the other followers of the Dera. Name of the petitioner figured in the statement of Anil Kumar under Section 164 Cr.P.C.

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

The petitioner was arrested on 08.09.2017 and report under

Section 173 Cr.P.C. was submitted on 28.11.2017. It has come in the challan that there was third tier of Dera management formed by the State level management committee, comprising of 45 members. The committee members were given task of coordinating Dera activities with the district/field units as per their assignments. During investigation, total 40 accused were arrested by the SIT, whereby it came in the interrogation that said meeting was presided over by accused Honeypreet and Aditya Insan. All followers were directed to assemble in Panchkula with weapons, stones, sticks, umbrellas and petrol. In case the Court verdict comes out against the Dera chief, then violence/rioting was to be resorted to by inciting/abetting the followers of the Dera. The Government/private buildings were burnt/damaged, 74 vehicles were burnt and 57 vehicles were damaged. As per reply filed by the respondent-State, petitioner and his co-accused were directly responsible and mastermind for the situation, wherein 36 people died and many were injured. The damage report was also submitted in CWP No.19086 of 2017 titled as Ravinder Singh Dhull Vs. State of Haryana. Petitioner was present in the meeting held on 17.08.2017, which was conducted by co-accused Aditya Insan and Honeypreet. Statement of witness Rajesh Kumar was recorded under Section 164 Cr.P.C. As per statement of HC Vikas who was PSO with Dera chief and also the statement of Anil Kumar, who was present in the meeting held on 17.08.2017, a conspiracy was hatched to raise war against the State with common object for causing damage to the property and to commit violence. During investigation, 11 mobile phone, 5 pendrives, 1 small laptop with charger,

one camera, 18 VCD, Indian currency notes amounting to ₹2,10,0000/- and one Innova car bearing registration No.HR-26BU-3339 were recovered from the possession of the petitioner. Prime accused namely Aditya Insan has been declared proclaimed offender as he could not be arrested. Petitioner was member of unlawful assembly and hatched conspiracy. He was actively participating in the meeting. The CDs were sent for examination and reports have not been received. Petitioner was also involved in distribution of the amount to other followers of the Dera for participation in the unlawful violation activities.

Keeping in view the role attributed to the petitioner and nature of allegations levelled against him, no ground is made out to release him on regular bail as he cannot claim parity with those accused who have been released on bail.

Accordingly, the present petition is dismissed.

14.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No