

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

CRM-M No. 50388 of 2018

Date of decision : 30.01.2019

Rakesh @ Gurleen

.....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. (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, 153 of the Indian Penal Code, 1860 (for short - 'IPC'), registered at Police Station – Sector 5, Panchkula, during pendency of the trial.

Learned Senior counsel for the petitioner submits that the name of the petitioner is not mentioned in the FIR and he has been involved only on the basis of confessional statement made by the co-accused, which has no evidentiary value. Learned Senior counsel also submits that the role of the petitioner is at par with co-accused namely Mahender, Govind, Jasbir, Gopal, Ram Singh, Vikram, Balkar alias Balraj, Ved Parkash and some others, who have been released on regular bail. He is in custody since 27.02.2018 and no

purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period and also the fact that no recovery was effected from the petitioner. However, he has opposed the bail on the ground that the petitioner is the trustee of the Dera and his involvement with the affairs of the Dera is clear from the fact that some of the properties of the Dera are in his name. Petitioner was present on both the dates *i.e.* 17.08.2017 at Sirsa and on the date of the occurrence at Panchkula.

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

It has been alleged that the petitioner was the trustee of the Dera and was present at Sirsa and subsequently at Panchkula on the dates of the occurrence. He has been involved in the present case, however, no recovery of any kind has been effected from him. His case is at par with co-accused Chhinder Pal Arora, who has been released on regular bail. Accordingly, keeping in view custody of the petitioner since 27.02.2018; the role attributed to him and on the basis of parity with co-accused Chhinder Pal Arora, 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