

\$~51 & 58 to 62

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2516/2019

RAMPAL @ RAJPAL SINGH Petitioner

Through: Mr. Sushil Kumar Pandey, Ms.
Archana Sharma, Mr.
Shoumendu Mukherji, Mr.
Chiranjiv Kumar & Mr. Rajesh,
Advocates

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Amit Chaddha, APP with
Inspector Mukesh Kumar,
PS:Govind Puri, Delhi

WITH

+ BAIL APPLN. 2541/2019

KARAN SINGH @ KARAM SINGH Petitioner

Through: Mr. Sushil Kumar Pandey, Ms.
Archana Sharma, Mr.
Shoumendu Mukherji, Mr.
Chiranjiv Kumar & Mr. Rajesh,
Advocates

versus

STATE Respondent

Through: Mr. Amit Chaddha, APP with
Inspector Mukesh Kumar,
PS:Govind Puri, Delhi

WITH

+ BAIL APPLN. 2542/2019

GURDAS Petitioner

Through: Mr. Mehmood Pracha, Mr.
Jatin Bhatt & Mr. O.P. Bharti,
Advocates

versus

STATE

..... Respondent

Through:
Mr. Amit Chaddha, APP with
Inspector Mukesh Kumar,
PS:Govind Puri, Delhi

WITH

+ BAIL APPLN. 2543/2019
AMARDEEP

..... Petitioner

Through: Mr. Mehmood Pracha, Mr.
Jatin Bhatt & Mr. O.P. Bharti,
Advocates

versus

STATE

..... Respondent

Through: Mr. Amit Chaddha, APP with
Inspector Mukesh Kumar,
PS:Govind Puri, Delhi

WITH

+ BAIL APPLN. 2544/2019
GURUBACHAN

..... Petitioner

Through: Mr. Mehmood Pracha, Mr.
Jatin Bhatt & Mr. O.P. Bharti,
Advocates

versus

STATE

..... Respondent

Through: Mr. Amit Chaddha, APP with

1
6

Inspector Mukesh Kumar,
PS:Govind Puri, Delhi

WITH

+ BAIL APPLN. 2547/2019
ROHIT

..... Petitioner

Through: Mr. Mehmood Pracha, Mr.
Jatin Bhatt & Mr. O.P. Bharti,
Advocates

versus

STATE

..... Respondent

Through: Mr. Amit Chaddha, APP with
Inspector Mukesh Kumar,
PS:Govind Puri, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **11.10.2019**

CRL.M.A.37863/2019 in CRL.M.C2516/2019

1. In view of the cause submitted, the application is allowed and the amended memo of parties is taken on record.
2. Application is disposed of.

**CRL.M.As.37675/2019, 37683/2019, 37697/2019,
37698/2019, 37710/2019 (for exemption)**

Allowed, subject to all just exceptions. Applications stand disposed of.

**BAIL APPLN.2516/2019, 2541/2019, 2542/2019, 2543/2019,
2544/2019 & 2547/2019**

1. The present bail applications have been filed by the petitioners for the grant of bail in FIR No.280/2019 under Sections 143/147/148/149/186/353/332/308/323/435/427/120-B/34 of the Indian Penal Code, 1860, Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Section 27 of the Arms Act, 1959, registered at P.S. Govind Puri, New Delhi.
2. Learned counsels for the petitioners submitted that the petitioners are innocent and have been falsely implicated in the present case. Learned counsels for the petitioners also submitted that the bare perusal of the FIR demonstrates that the FIR does not disclose any specific role of the petitioners in the commission of the alleged offences. Learned counsels for the petitioners further submitted that the petitioners were taken into custody on 22.8.2019 and they are in judicial custody since then.
3. Learned counsels for the petitioners, without prejudice to the rights and contentions of the petitioners, further submitted that they have been instructed to give an undertaking to this Court that the petitioners shall not indulge in any such criminal activities in future and in case the petitioners do so, the State may move an application for the cancellation of the bail of the petitioners, subject to all rights available to the petitioners under the law.
4. Learned counsel for the petitioners further submitted that this Court has granted bail to other co-accused vide order

dated 9.10.2019 and relies upon the same.

5. *Per contra*, learned APP opposed the bail applications and submitted that the aggressive demonstrations were held on 18.8.2019 and 19.8.2019 but were contained by handling of the police force.

6. Learned APP further submitted that one pistol with three live cartridges were recovered from one protestor Roshinder while he was brandishing it in the air. Learned APP further submitted that thirty two (32) police personnel were injured in the incident; some of them are having head injury and one is having grievous injury. It is also submitted that four Delhi Police gypsies and one bus were damaged and one government motorcycle was burnt and two DTC buses were also damaged by the rioters.

7. It is further submitted by the learned APP for the State that the petitioners have actively participated in the commission of the crime and were arrested from the spot. The offence committed by the petitioners is of a grave nature, committed against the society, individuals, Govt. officials, and the life and limbs of the public officials were attacked and further, the public and private properties were damaged by the petitioners and their accomplices. The said offence was committed individually as well as in furtherance of common intention and knowledge.

8. Learned APP further submitted that the petitioners have wilfully participated in violent unlawful agitation and protest

9

which caused damage to the public and private property and injury to public servants against the order of the Supreme Court, and the petitioners are not the residents of Delhi and if they are granted bail, they may come again to protest at the removed site.

9. Learned APP, on the query of the Court, submitted that the accused Roshinder is not one of the applicants/petitioners herein before this Court, at this stage. Learned APP, on the instructions of the IO, submitted that petitioners are no more required for the purpose of interrogation and nothing is required to be recovered from them.

10. The undertaking of the learned counsels for the petitioners that the petitioners shall not indulge in any such criminal activities in future and in case the petitioners do so, the State may move an application for the cancellation of the bail of the petitioners, subject to all rights available to the petitioners under the law, is accepted.

11. This Court taking into consideration the aforesaid undertaking of the learned counsels for the petitioners on behalf of the petitioners, their age, their socio-economic background and the fact that there is nothing on the record which suggests that the petitioners may betray the confidence of the Court and/or may take up the law at their hands in future, without commenting on the merits of the allegations made in the FIR against the petitioners, is of the opinion that this Court should take a lenient view at this stage, more so, in view of the fact that

10

no other criminal case is stated to have been registered and/or pending against the petitioners. Even otherwise, no fruitful purpose would be served to keep the petitioners languishing in the judicial custody, at present, rather they should be given a chance to introspect and reform themselves while staying with their families.

12. Accordingly, the petitioners are admitted to bail during the pendency of the case in FIR No.280/2019 under Sections 143/147/148/149/186/353/332/308/323/435/427/120-B/34 of the Indian Penal Code, 1860, Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Section 27 of the Arms Act, 1959, registered at P.S. Govind Puri, New Delhi and they shall be released, if not required in any other case, subject to each of them furnishing bail bonds in the sum of Rs.15,000/- each with one surety of the like amount, to the satisfaction of the Trial Court. It is clarified that the petitioners shall not indulge in any such activity which may prejudice the investigation, tamper with the evidence or influence the witnesses in any manner. The petitioners shall also not leave the country without prior permission of the Trial Court. The petitioners shall furnish to the IO their respective current addresses and mobile numbers on which they can be contacted, within one week after their release on bail and if there is any change either in the addresses or mobile numbers in future, they shall promptly inform the IO as well as the Trial Court.

13. It is made clear that nothing stated or observed hereinabove shall tantamount to any expression on the merits of the case.

14. The bail applications are disposed of accordingly. Pending applications also stand disposed of.

Dasti.

CHANDER SHEKHAR, J

OCTOBER 11, 2019

tp