

CRM-M-20868-2019 (O&M)
CRM-M-20871-2019 (O&M)
CRM-M-20886-2019 (O&M)

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**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 13.03.2020

CRM-M-20868-2019 (O&M)

Abhijeet @ Bablu

... Petitioner

v/s

State of Haryana

... Respondent

CRM-M-20871-2019 (O&M)

Abhijeet @ Bablu

... Petitioner

v/s

State of Haryana

... Respondent

CRM-M-20886-2019 (O&M)

Abhijeet @ Bablu

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

**Present: Ms. Radhika Sharma, Advocate for
Mr. Aditya Sanghi, Advocate
for the petitioner.**

Mr. Baljinder Singh Virk, DAG Haryana.

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VIVEK PURI, J. (ORAL)

On May 8, 2019 following order was passed:

**"Through these petitions moved under Section 438 Cr.P.C.,
prayer has made for grant of anticipatory bail to Abhijeet @
Bablupetitioner in three different cases, which are as under:-**

(i) FIR No.147, dated 26.08.2017, registered under Sections

124-A, 148, 186, 188, 353, 332, 333, 307, 395, 436, 427/149/109/120- B/201 IPC, Sections 3/4 of Public Property (Prevention of Damage) Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station City Sirsa, District Sirsa.

(ii) FIR No.695, dated 25.08.2017, under Sections 124-A, 147, 148, 149, 188, 307, 435, 332, 353, 186, 120-B, 109 IPC and Section 25 of the Arms Act, 1959, Police Station City Sirsa, District Sirsa.

(iii) FIR No.696, dated 26.08.2017, under Sections 124-A, 147, 148, 149, 188, 307, 435, 436, 109, 201, 332, 353, 186, 120-B IPC, Section 25 of the Arms Act, 1959 and Sections 3/4 of Public Property (Prevention of Damage) Act, 1985, Police Station City Sirsa, District Sirsa.

According to the prosecution, in the evening of 26.08.2017, as soon as the followers (including the petitioner) of Gurmeet Ram Raheem, Head of Dera Sacha Sauda, heard about his conviction, they started raising anti national slogans and trespassed into the Milk Plant, by breaking its gate and set ablaze the vehicles parked therein. That apart, they also attacked the police and damaged their wireless sets and snatched their official weapons.

Learned counsel contends that the petitioner has falsely been implicated in the instant case only on the basis of alleged disclosure statement of co-accused namely, Satish Kumar, which is a very weak type of evidence. Several co-accused of the petitioner have been enlarged on bail after their arrest. No recovery has to be effected from the petitioner.

Notice of motion for 23.08.2019.

Since, petitioner is involved in 3 different FIRs, therefore, treating him on the same party, as that of other co-accused, who have already been granted conditional concession of anticipatory bail, deposit of ₹5.00 lakhs in each case towards the loss made to the State exchequer would be a little bit harsh. As such, instead of deposit of ₹5.00 lakhs in each case, which comes to ₹15.00 lakhs, the same is modified to the extent of ₹10.00 lakhs.

In view of the above, petitioner, in all the three FIRs, is directed to deposit consolidated amount of ₹10.00 lakhs against the loss and damage caused to the government property, in the court as partial cost of destruction of public property.

The petitioner shall join the investigation, subject to deposit of aforesaid amount of ₹10.00 lakhs. He would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

However, in case of non-compliance of this order, qua non-deposit of ₹10.00 lakhs by the petitioner, this order shall stand automatically cancelled and the petitioner shall be taken into custody.

Photocopy of this order be placed on the files of other connected cases.”

Despite the interim protection, the petitioner never joined the investigation of the case for a period of about 9 months. At the earlier instance, it was also directed that in the event the petitioner does not join the investigation the interim order shall stand vacated. Consequently, the interim order was vacated on 26.2.2020.

It has also been pointed out by learned State counsel that the petitioner has been declared proclaimed offender in the case bearing FIR No. 147 dated 26.8.2017. The contumacious default on the part of the petitioner in not joining the investigation renders him disentitled to the discretionary relief of pre-arrest bail.

Consequently, the bail applications are dismissed.

13.03.2020
Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No