

CRM-M-32190-2021 (O&M);
 CRM-M-37561-2021 (O&M);
 CRM-M-37621-2021 (O&M) and
 CRM-M-40177-2021 (O&M)

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

(I)	CRM-M-32190-2021 (O&M)	
Manjeet		...Petitioner
	Versus	
State of Haryana		...Respondent
 (II)	 CRM-M-37561-2021 (O&M)	
Kapil Kumar		...Petitioner
	Versus	
State of Haryana		...Respondent
 (III)	 CRM-M-37621-2021 (O&M)	
Ravi		...Petitioner
	Versus	
State of Haryana		...Respondent
 (IV)	 CRM-M-40177-2021 (O&M)	
Naresh		...Petitioner
	Versus	
State of Haryana		...Respondent

Date of Decision: 18.11.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Aditya Sanghi, Advocate, for the petitioner
in CRM-M-32190-2021.

Mr. Sandeep Kumar Yadav, Advocate, for the petitioners
in CRM-M-37561-2021; CRM-M-37621-2021 &
CRM-M-40177-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Manoj.

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GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid 4 petitions filed on behalf of Manjeet, Kapil Kumar, Ravi and Naresh seeking grant of anticipatory bail in respect of a case registered vide FIR No.264 dated 13.06.2021 at Police Station City Mahendergarh, District Mahendergarh, under Sections 147/149/285/379-A/427/448/511 IPC and Section 25 of the Arms Act.

2. At the time of issuance of notice of motion in CRM-M-40177-2021, the following order was passed on 27.09.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.264 dated 13.6.2021 at Police Station City Mahendergarh, District Mahendergarh under Sections 147, 149, 285, 379-A, 427, 448, 511 of Indian Penal Code and Section 25 of Arms Act.

The FIR was lodged at the instance of Rajinder Kumar Bhardwaj, wherein it alleged that on 12.6.2021 at about 11:20 p.m. 60-70 anti social persons started damaging library situated at Dharamshala Lal Jhambuwali and Child Welfare Society, Mahendergarh run by Mata Masani, with the help of JCB. It is alleged that Gunganram @ Gungan also fired in order to create panic and the said persons also snatched mobile phones and cash from the tenants and the employees of ‘Dharamshala’.

Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is being falsely implicated. It has also been submitted that in the bail application filed by co-accused Kapil Kumar notice of motion has already been issued.

Notice of motion for 18.11.2021.

Meanwhile, the petitioner be not arrested.

To be heard alongwith CRM-M-37561 of 2021.”

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3. Even in the other connected cases, this Court had ordered for stay of petitioners' arrest while issuing notice of motion.
4. Learned counsel for the petitioners has submitted that none of them is named in the FIR and that all of them came to be nominated subsequently on the basis of disclosure statement made by Guganram @ Gugan, who is specifically named in the FIR and who is alleged to have fired in the air.
5. Learned State counsel has, however, opposed the petitions on the ground that in the disclosure statement made by Guganram, he specifically stated that Kapil and Naresh had snatched the mobiles from the tenant and employees of Dharamshala. It has further been submitted that the custodial interrogation of all the petitioners would be required to reveal the names of other accused, who must have participated in the occurrence, as it is a case where 60-70 persons had participated in the occurrence and also to recover the remaining mobiles, which had been snatched by the accused from the spot.
6. I have considered rival submissions addressed before this Court.
7. Though the prosecution alleges that 60-70 persons had caused damage to the Dharamshala, but as per the police proceedings recorded in the FIR itself, the loss sustained was only to the tune of Rs.20,000/- approximately. Having regard to the nature of allegations, wherein a large number persons are alleged to have committed offence in question, but only one is specifically named, who is alleged to have fired in the air and while also noticing that

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none of the petitioners is stated to be involved in any other case previously, all the petitions are accepted and the petitioners, in the event of arrest, are ordered to be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

8. A photocopy of this order be placed on all the connected files.

(GURVINDER SINGH GILL)
JUDGE

18.11.2021

Vimal

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