

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17282-2022 (O&M)

Date of Decision:- 08.8.2022

Dharambir @ Dharamveer Singh and others ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Devender Arya, Advocate, for the petitioners.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Vikrant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No. 64, dated 01.02.2022, Police Station Pinjore, District Panchkula, under Sections 120-B, 148, 149, 188, 295-A, 307, 353, 323, 332, 447, 511, 325 IPC, Sections 20, 26, 61, 85 of NDPS Act and Sections 25, 54, 59 of Arms Act.
2. The FIR was lodged at the instance of Dharampal wherein it is alleged that on 01.02.2022 ASI Murari Lal along with other police officials were present on law and order duty on Nankapur turn. Information was received to the effect that many Nihang Sikhs had attacked the Chowki Incharge of Maddawala. ASI Jile Singh and

many other persons and Dera Baba Rafria of Village Nanakpur, Khuwala were still present. When the police party reached the said place, Dharampal S/o Chenu Ram made a complaint alleging that he was the Sarpanch of the Village Nanakpur. On 01.02.2022 at about 09.15 AM, Ram Krishan S/o Mangat Ram informed him over his mobile phone that near the well of Shiv Mandir near Baba Rafria Dhune of Village Nankapur Khuwala, 5-6 Sikhs Nihangs had uprooted the religious flag installed there and set the same on fire. The Chowki Incharge Murari Lal, Jaswinder Singh had been accordingly informed and in the meanwhile Desh Raj, Ram Krishan, Bhag Singh, Dinesh Kumar etc. reached on the spot and inquired from the Nihang Sikhs as to why they had set the religious flag on fire. It was informed that a civil suit is pending since 2009 titled Guru Har Ram Prachar Committee Vs. Dhyan Chand which has already been dismissed. Appeal filed before the learned Additional District Judge, Panchkula is pending and no stay has been granted. When the police officials tried to counsel the Nihang Sikhs, the said Nihang Sikhs alongwith 5-6 accomplices standing there attacked upon the villagers. When Incharge Murari Lal tried to stop them, Mandeep armed with sword attacked on the chowki Incharge and gave a sword blow on his head. The remaining Nihang Sikhs also opened attack upon other villagers with their respective swords with an intention to kill them. Dinesh son of Ram Partap, Prabhat @ Pashu son of Gurcharan Singh received serious injuries. Other villagers also received injuries. When inquired, the name of the said Nihang Sikhs

were revealed as Simranjit, Naveen, Dharminder, Jathedar Surinder. Earlier also, a similar attempt had been made. Facebook and social medial posts were also published to provoke religious emotions. The present attack was also done in conspiracy with Bhim Singh and Daya Singh. These persons also made insulting remarks for the Hindu Deities. These persons attacked Chowki Incharge Murari Lal, Dinesh Kumar and Prabhat @ Pashu and tried to take the possession of the land.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that in any case since the petitioners have been behind bars for a substantial period of 6 months and investigation already stands concluded, their further detention is not required for any purpose.
4. Opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR and are also attributed injuries and in fact petitioner Mandeep is stated to have inflicted an injury on the head of a police officer Zile Singh, no case for grant of regular bail is made out. Learned State counsel has however, informed that all the four petitioners have been behind bars for the last about 6 months and that challan already stands presented. It has also been informed that none of the petitioners is involved in any other case. It has been informed that charges are yet to be framed and as many as 25 PWs have been cited.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case and also the fact that the petitioners have been behind bars since the last about 6 months and challan already stands presented, further detention of petitioners will not serve any useful purpose particularly when the trial is yet to commence and conclusion of trial is likely to consume time inasmuch as 25 PWs have been cited. In these circumstances, the petition is accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.8.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No