

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

312

CRM-M-32738-2024

Date of Decision : **August 12, 2024**

VIKASH

.....Petitioner

***VERSUS***

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. R.A.Sheoran, Advocate for the petitioner.  
Mr. Abhinash Jain, DAG, Haryana.

**KULDEEP TIWARI, J. (Oral)**

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.27 dated 21.2.2016, Under Sections 147/148/149/323/307/436 IPC and under Sections 3/4 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Loharu, District Bhiwani.

2. The prosecution agency was set into motion on a complaint made by one Bhagwan Ram, the then Headman/Sarpanch of the village Dhigawa Jattan. He had informed the SHO, Police Station Loharu telephonically that on dated 20.2.2016 at 10.30 p.m., 20/25 young boys came to the bank branch of SBI, Cooperative society bank and ATM, by raising some slogans and thereupon they set ablaze all three property and when his son, namely, Virender tried to make them understand then the said group of boys also caused injuries to his son, who was subsequently sent to Pilani for treatment. The complainant identified one of the boy, namely, Ramesh son of Niranjana, who was part of the said mob. After registration of FIR, number

of accused persons were arrested. During investigation, on dated 2.4.2016, statements of the complainant and one Banwari Lal were recorded and Sections 307 and 148 IPC, were added. CCTV footage of the crime was got prepared. Some of the accused persons alongwith the petitioner could not be arrested and, therefore, they were declared proclaimed offenders on 30.3.2017. Finally, the petitioner was arrested by the PO staff of Haryana Police on 30.3.2024.

3. Learned counsel for the petitioner in the asking for the relief (supra) submits that there is no inculpatory evidence with the prosecution to connect the present petitioner with the alleged crime. He further submits that though the petitioner has been declared as a proclaimed offender but he has suffered incarceration of 4 months and 9 days as on today. He also submits that there is no injury attributed to the present petitioner, which would attract the penal provisions of Section 307 IPC. Finally, he submits that the trial is yet to begin.

4. The learned State counsel has filed reply dated 9.8.2024 by way of affidavit of Deputy Superintendent of Police, Loharu, Bhiwani as well as the custody certificate *qua* the petitioner, which are taken on record. He over and above submits that infact the petitioner was part of the mob, which had burnt the public property during Jat Agitation. He in addition submits that the petitioner remained proclaimed offender for about 7 years, therefore, he does not deserve the concession of regular bail. He further informs on instructions imparted to him by the official concerned that final report *qua* the present petitioner has been filed on 8.6.2024 and till date the charges against the present petitioner have not been framed. He further informs this

Court that in the final report, filed against the present petitioner, the prosecution has cited total 30 witnesses and the next date fixed before the learned trial Court concerned is 14.8.2024, for framing of charges.

5. Be that as it may, this Court has examined the FIR and other incriminating evidence against the petitioner. The allegations against the petitioner are that he is one of the members of the mob, who burnt the public property. There is no allegation that he caused injuries to the victim, which attract the penal provisions of Section 307 IPC. Further, the petitioner has suffered incarceration of about 4 months and 9 days as on today. Though the petitioner is involved in three other cases but in two of them, he is on bail.

6. In view of the above discussions, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 12, 2024  
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(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No