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**(2011) 07 P&H CK 0043**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Miscellaneous No. M-15177 of 2011 (O and M)

Naresh and Others

APPELLANT

Vs

The State of Haryana

RESPONDENT

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**Date of Decision :** 29-07-2011

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 148, 149, 186, 332, 341  
Prevention of Damage to Public Property Act, 1984 — Section 3, 4

**Citation :** (2012) 4 RCR(Criminal) 989

**Hon'ble Judges :** Rajesh Bindal, J

**Bench :** Single Bench

**Advocate :** Raj Kapoor Malik, for the Appellant; Subhash Godara, Additional Advocate General, Haryana, for the Respondent

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## **Judgement**

Rajesh Bindal, J.—This order will dispose of the above mentioned two petitions, as the same arise out of one FIR. Prayer in the present

petitions is for grant of bail to the petitioners pending trial, who are accused in FIR No. 39 dated 29.4.2010, registered under Sections 148, 149,

332, 353, 186, 436, 511, 341 IPC read with Section 3/4 of Prevention of Damage to Public Property Act, 1984, Police Station, Rajound,

District Kaithal. It came to be registered on account of mob violence by number of persons in the area for the reason that one Kaptan was

murdered. The residents of the village considering that police was not taking any action tried to take law and order into their own hands. They

collected on Jind-Kaithal road and blocked the same. Two Haryana Roadways buses were damaged. They even encircled (gherao) the police

post in the area and set the same on fire by putting paddy straw.

2. Learned counsel for the petitioners submitted that the FIR was registered on

29.4.2010. The petitioners were named therein. They surrendered before the Illaqa Magistrate on 6.4.2011 and are in custody since then. He placed reliance upon the fact that three other accused, who were named along with the petitioners in the FIR, were arrested on 1.7.2010 and were released on bail by learned Additional Sessions Judge vide order dated 13.7.2010. Claiming parity, the prayer is for grant of bail pending trial to the petitioners.

3. Learned counsel for the State, on instructions from ESI Ram Pal, submitted that the petitioners named in the FIR were not arrested on apprehension of law and order problem. Though there are many other accused, but challan has been presented only against 22 persons. The names of rest of the persons have been mentioned in the challan and prayer has been made to the court to summon them. He further submitted that considering the seriousness of allegations against the petitioners, they do not deserve the concession of bail.

4. After hearing learned counsel for the parties, I do not find this to be a fit case for grant of bail to the petitioners. The kind of allegations in the FIR shows the mind of people where they started taking law into their own hands. Even for small petty things, they want to block rail/road traffic and damage public property instead of taking legal recourse. If some person had died and according to them, the police was not taking action, they had remedy to approach the higher authorities or even to the court. It was admitted by learned counsel for the petitioners that after the complainant approached this court, a direction was issued for constitution of a Special Investigation Team consisting of three IPS officers and the matter is being investigated. In the present case, as noticed above, the mob collected, blocked Jind-Kaithal road, damaged Haryana Roadways buses and had even set on fire a police post. These kind of incidents have to be stopped with iron hands. Even if the police claims that they did not take action due to fear of law and order problem the court will not be a party to that and release these persons, on bail pending trial.

5. As far as claim of parity is concerned, I do not find even this to be a good ground for release of the petitioners on bail. The officer who had directed release of three of the accused named in the FIR on bail merely after 13 days of their arrest, has in fact been dismissed from service on

account of certain corruption charges.

6. At this stage, learned counsel for the petitioners submitted that he may be permitted to withdraw the present petitions at this stage.

7. Ordered accordingly. Let notices be issued to Rakesh son of Pala, Satish @ Kala son of Om Parkash and Surender @ Kala son of Ved

Parkash, all residents of village Kithana, District Kaithal for 18.8.2011 to show cause as to why the bail granted to them earlier be not cancelled.

Superintendent of Police, Khaital to ensure service of notice on the parties mentioned above.