

**IN THE COURT OF SH.JASPAL VERMA,
ADDITIONAL SESSIONS JUDGE,
(UID:PB0136)
MANSA.**

Bail application No.768-A dated 22.12.2017
CIS No. BA/1630/2017
CNR No.PBMN01-003969-2017
Date of Order: 10.01.2018

State of Punjab

Versus

1. Parmjeet Singh aged 45 years son of Narinder Singh, resident of Village Nangal Kalan, District Mansa.
 2. Avtar Singh aged 45 years son of Sadhu Singh, resident of village Thuthianwali, District Mansa.
- Now both accused confined in Judicial Custody at District Jail, Mansa.

Applicants-accused.

FIR No.90 dated 25.08.2017,
Offence U/S 436,427,506, 188,148,149,120-B IPC
read with section 3,4 of the Prevention of Damages to
Public Property Act, 1984 and section 3,4 of Explosive
Substances Act 1908, Police Station: Bareta.

Application for grant of bail under Section 439 Cr.P.C.

Present: Sh.P.S.Sidhu, Advocate for the applicants-accused.
Sh.Tejinder Singh Sidhu, Addl. PP for the State.

ORDER

The present bail application has been filed by the applicants-accused Parmjeet Singh and Avtar Singh to release them on regular bail in this case bearing FIR No.90 dated 25.08.2017 for the offences under

section 436, 427, 506, 188, 148, 149, 120-B IPC read with section 3, 4 of the Prevention of Damages to Public Property Act, 1984 and section 3, 4 of Explosive Substances Act, 1908 registered against them and others in Police Station Bareta, District Mansa wherein it is submitted that the applicants/accused have nothing to do with the said offence. They are innocent and have been falsely implicated in this case due to political rivalry. They were not named in the FIR and no overt act is attributed to them. They were not present at the spot as alleged. Applicants/accused Parmjeet Singh and Avtar Singh were apprehended on 3.10.2017 on the basis of surmises and conjectures in the absence of any legal evidence against them and since then they are in judicial custody. They have been falsely implicated in this case and story as concocted in the FIR is totally false and fabricated. The disposal of the challan is likely to take considerable time. So they be released on regular bail.

2. Notice of the bail application was given to Addl. PP for the State who appeared and orally contested the bail application. Record was also produced from police station Bareta by ASI Amrik Singh.

3. I have heard learned counsel for the applicants/accused, learned Addl. PP for State and perused the police file.

4. Allegations as per the FIR are that Anar Singh son of Kadori Lal, resident of Village Bakhsiwala made statement before the police that he is working as Phone Mechanic in the telephone exchange of his village for the last about 25-26 years. At about 3.15 pm on 25.08.2017, he was present in the office and was sitting there when 10-12 unknown persons whom he can identify, came on their motorcycles to the gate of the

telephone exchange. They stopped motorcycles outside and came inside the telephone exchange by raising slogans “Dhan Dhan Satguru.” They were holding petrol bottles, dangs, sotis and baseballs and entered into the telephone exchange. They were shouting in loud voice that Government has wrongly convicted their Satguru and accordingly, they will teach lesson to the Government by putting fire to the Government buildings. They also gave them push blows and put petrol on the 15 H.P generator set lying in the telephone exchange building. Thereafter, they went away from the spot on their respective vehicles and weapons. As a result of fire, generator set was partly damaged. Therefore, loss of about Rs.1 lac was caused to the generator set by them. So action be taken against the above said persons.

5. Now learned counsel for the applicants-accused has contended that the applicants/accused are innocent and no offence has been committed by them. Applicants-accused are in custody since 3.10.2017. Since disposal of the challan is likely to take considerable time, so they be released on bail. However, from the documents on record, it is found that the present case has been registered against the applicant-accused for the offences under section 436,427,506,148,149,188,120-B IPC read with section 3,4 of the Prevention of Damages to Public Property Act, 1984 and section 3,4 of Explosive Substances Act 1908 (added lateron) and these offences are very grievous in nature. Perusal of the copy of the FIR as well as police file shows that even though the applicant-accused are not specifically named in the FIR but lateron their names surfaced during investigation.

The present applicants-accused along with their co-accused have caused damage to the public property i.e. Generator set of the telephone exchange by putting petrol and fire on 25.08.2017 and caused loss to the tune of Rs.1 lac. The applicants-accused were allegedly causing damage to the public property for the reason that verdict has been given by the Court against the Dera Head, Dera Sacha Sauda, Sirsa and that day they had become violent. It is also common well known fact that on 25.08.2017, many miscreants had succeeded in causing damage to the public as well as private property by using petrol bottles which is an inflammable substance for which even curfew had to be imposed in the District and judicial notice of the same can be taken. Many innocent people lost their lives and the property of the nation worth crores of rupees was destroyed in the act of such like people at many places in the State and adjoining States. In these circumstances of the case, in my view, the offence committed by the applicants-accused is serious in nature and moreover, offence under section 3 of Explosive Substance Act 1908 is punishable with imprisonment which may be extended for life. So no ground is made out to release the applicants-accused on regular bail in this case. Bail application filed on behalf of the applicant-accused is therefore ordered to be dismissed. Police record be returned. Bail application file be consigned to record room.

Pronounced: 10.01.2018
Raj/SG-1

(Jaspal Verma)
Addl. Sessions Judge,
UID:PB0136
Mansa.

State Vs. Parmjeet Singh etc.

Present: Sh.P.S.Sidhu, Advocate for the applicants-accused.
Sh.Tejinder Singh Sidhu, Addl. PP for the State.

Police record produced by ASI Amrik Singh, Police Station,
Bareta District Mansa

Arguments heard. Vide my separate detailed order of even
date, the present bail application is hereby dismissed. Police record be
returned. Bail application file be consigned to record room.

Pronounced: 10.01.2018
Raj/SG-1

(Jaspal Verma)
Addl. Sessions Judge,
UID:PB0136
Mansa.