

## **State of Punjab Vs. Naresh Kumar Yadav**

Present: Sh. Himmat Singh Shergill, Adv. Counsel for applicant/accused.  
Sh. Kesar Singh, Addl.P.P for the State assisted by Sh. Parvez Akhtar,  
Advocate counsel for complainant.

This application for bail has been filed by applicant Naresh Kumar Yadav, MLA son of Sh. H L Yadav in case bearing FIR No.108 dated 25.06.2016, Under Section 295-A, 153-A, 120-B, 109 IPC, PS City-1, Malerkotla.

It is alleged in the FIR by complainant Mohd.Ashraf that at 08:00 P.M, he along with Mohd.Shafiq Chauhan was present at Masjid Baba Bodle Shah near Jarg Chowk. One Bolero vehicle came from Jarg Chowk, Malerkotla side. Its headlights were on, due to which he could not read the registration number of the vehicle. The vehicle was going at a slow speed and four persons were sitting in it. The person sitting on the rear seat behind the driver suddenly lowered the glass of rear door of the vehicle and started throwing pages of the Holy Kuran Shareef. Then, those persons escaped towards Khanna side. He along with Mohd.Shafiq Chauhar collected the pages of the Holy Kuran Shareef and took them to Baba Bodle Shah Masjid.

Counsel for the applicant has submitted that the applicant has been implicated falsely in this case due to political vendetta as he is an MLA of Aam Aadmi Party, Delhi and is a co-observer of the Aam Aadmi Party in Punjab. The applicant is also a lawyer by profession. There is no direct evidence to prove the involvement of the applicant in this case. The applicant has been implicated on the statement of the main accused Vijay Kumar. The applicant has joined the investigation twice on the directions of the local police. No recovery was affected from him. His custody is not required for any purpose. He is ready to furnish bail bonds and surety bonds as per the directions of the Court.

On the other hand, learned Addl.P.P assisted by Sh. Parvez Akhtar, Advocate counsel for complainant has submitted that Vijay Kumar is the main accused who suffered a statement under Section 164 Cr.P.C and has named the applicant. The applicant was in touch with co-accused Vijay Kumar from 19.06.2016 to 24.06.2016 and many calls and messages were exchanged between them on their mobile phones. In case, the applicant is released on bail, he will try to influence the investigation which is pending. The evidence collected so far has proved that there was a conspiracy between the applicant and other accused.

I have considered the arguments and have gone through the record carefully.

This case is triable by the Magistrate. The applicant is in custody since 24.07.2016. The allegations against him are that there is a conspiracy between him and the other accused. Details of the calls and sms messages have been collected by the police during investigation but the nature of discussion made through calls and messages is not in the police file. The applicant was implicated on the basis of statement of co-accused Vijay Kumar. In my opinion, the applicant cannot be detained in custody for an indefinite period as his guilt is yet to be proved. Therefore without commenting on the merits of the case, the bail application is allowed and the applicant Naresh Kumar Yadav is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of the concerned Area Magistrate/Duty Magistrate and subject to any conditions that may be imposed by that Court. File be consigned to the record room.

Announced.

(Amarjit Singh Virk),  
Additional Sessions Judge,  
Sangrur, 30.07.2016

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An application for correction in the bail application has been moved. The name of the police station has been wrongly mentioned as PS, City-2, Malerkotla instead of PS, City-1, Malerkotla. The mistakes appears to be clerical. Hence, application is allowed. Necessary correction be made in the bail application.

Arguments heard. Vide detailed order of even date, the bail application has been allowed. File be consigned to the record room.

Announced.

(Amarjit Singh Virk),  
Additional Sessions Judge,  
Sangrur, 30.07.2016