

CNR No. DLCT01 002262 2021  
Bail Matters 442/2021  
STATE Vs. DHARMENDRA SINGH HARMAN  
FIR No. 96 /2021  
PS Kotwali  
u/s 147/148/149/152/186/269/279/353/332/  
307/308/395/397/427/188/120B/34 IPC  
R/w Section 25/27/54/59 Arms Act  
R/w Section 3 PDPP Act,  
R/w Section 30 AMASR Act,

**Virtual Hearing Day.**

18.02.2021

Present: Sh. Virender Singh, Ld. Addl. PP for State.  
Sh. Imran Ali, counsel for applicant Dharmendra Singh  
Harman.  
IO Inspector Pankaj Arora.

1. This is the first application u/s 439 CrPC moved on behalf of applicant/accused Dharminder Singh Harman seeking regular bail.
2. Reply filed by IO. Copy has been supplied.
3. Arguments heard.
4. Ld. Counsel for applicant submits that as per contents of the FIR no specific role has been assigned to the applicant in the alleged crime. As per Ld. Counsel, the role, at best, the prosecution

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has assigned to the applicant is of breaking the baricades but nothing else and as per Ld. Counsel breaking of baricades may attract only provision of 186 IPC against him which isailable. He has further argued that applicant has participated in the peaceful protest in the tractor rally which can also be clearly seen from the photographs annexed with the present bail application showing that applicant is only sitting on the top of his own car having national flag in his hand and taking photographs being a proud Indian. He also submits that applicant is neither the instigator, agitator or has any active role in the crime nor he was part of the violence unfortunately happened in the area of Red Fort. Ld. Counsel submits that as per the FIR itself, applicant is not shown to have attacked on any police personnel nor he damaged any public property. Applicant is stated to be not connected with any political group or even with the Kisan organisation. Ld. Counsel has urged that applicant is in JC from last 15 days, investigation qua him is completed, therefore, no purpose shall be served by keeping applicant behind the Bar.

6. Ld. Addl. PP, duly assisted by the IO, strongly oppose the bail application as he submits that allegations against the applicant are very serious and sensitive in nature involving national issue. Ld. Addl. PP submitted that applicant had active role in the crime as he was one of the agitator and instigator of the unlawful assembly which can be seen from the photographs placed on record by the IO that he was sitting on top of his car with a national flag in his hand and the other tractors are following or are shown to be around his car. Ld. Addl. PP further contended that there was specific route prescribed by the Govt on which the tractor rally has to protest, however, the protestors deviated from the designated route and burged into Red Fort where they attacked on the police personnels and damaged the public property. Ld. Addl. PP also submitted that the protestor firstly broke the baricade at Sanjay Gandhi Transport Nagar, thereafter, at Burari and by breaking all the rules and regulations they finally forcibly entered in the area of Red Fort where they attacked on the cops and vanished the police vehicles. Investigation is stated to be at initial

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stage. Ld. Addl. PP submits that various CCTV footage of the spot has been collected which are under scrutiny and role of other perpetrators of the crime still has to be dugged out and there is possibility that if applicant is admitted on bail, he may try to influence investigation. During arguments IO has also pointed out that applicant has also been arrested in the crime occurred at Burari on the date of incident and in the said case he is presently in police custody. Ld. Addl. PP further submits that applicant was an active member of unruly mob which illegally and forcefully broke the barricades in Sanjay Gandhi Transport Nagar and then at Burari and finally at Red Fort and created nuisance and violence in the area of Red Fort.

7. I have considered the rival contentions made by Ld. Addl. PP for State and Ld. Counsel for applicant.

8. The allegations against the applicant are serious in nature as he is shown to be an active member of the unruly mob who took law in their hands firstly by diverting from the prescribed route, thereafter, by breaking police barricades not only at one place but in three areas

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including the Red Fort area where they forcibly entered and attacked on the police personnel and damaged their vehicles and in the incident several police personnels got injured. In the photograph relied upon by the prosecution, applicant is clearly shown sitting on the roof of his car alongwith national flag which prima-facie show that he had an active role to instigate unruly mob. Investigation is at nascent stage, therefore, the possibility that if applicant is admitted on bail, he may try to influence the investigation cannot be ruled out. Accordingly, at this stage no ground for bail is made out. Application is hereby dismissed.

(Charu Aggarwal)  
ASJ-02/Central Distt.  
THC/Delhi-18.02.2021