

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2014.12.29 15:47
I attest to the accuracy and
authenticity of this document

CRM No. M-38330 of 2014 (O/M)
Date of decision : 24.12.2014

Kuldip

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. N.S. Shekhawat, Advocate, for the petitioner.

Mr. Chetan Sharma, Assistant A.G. Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Learned counsel for the petitioner contends that the occurrence in this case took place on 3.8.2011. The present petitioner was declared a proclaimed offender on 16.4.2013. He was arrested on 29.3.2014. The injury attributed to him is that he had given a blow with an iron angle on the head of Jai Bhagwan (injured) and the said injury was found to be simple in nature. The injury attributed to other co-accused of the petitioner on the person of Dhanpati (injured) was declared to be dangerous to life, which was given with the brick bats. The learned counsel for the petitioner has further argued that it is a case of version and cross version.

A perusal of the file shows that there are as many as 6 FIRs registered against the petitioner. The FIRs registered against

the present petitioner are ranging from attempt to murder, attempt to commit robbery, house trespass, theft and causing injury by rash and negligent driving.

It is not disputed that in this case, the challan has been presented and out of 20 witnesses, only 4 witnesses have been examined so far. Now, the question would arise that whether the petitioner should be detained till the conclusion of the trial ?

The petitioner is stated to have completed his MBBS course and is ready to join the profession. At present, he has to start his internship. I am of the view that keeping in view the background of the petitioner of being involved in some other cases, he should be released on bail by imposing strict conditions. Therefore, there is no need to detain him till the conclusion of the trial.

In view of the matter, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 2,00,000/- with one surety in the like amount subject to the following conditions :-

- (i) that the petitioner will not directly or indirectly contact any witness acquainted with the facts of the case ;
- (ii) that the petitioner will not give any inducement, threat and promise to any witness ;
- (iii) that the petitioner will not commit any crime of similar nature and in case it is found that the petitioner has committed any

crime of similar nature, then the trial Court is competent to cancel this bail order and cancel the bail ;

(iv) that the petitioner will not leave the country without prior permission of Court and will surrender his passport before the trial Court. The same will be returned to the petitioner on conclusion of the trial. In case, there is no passport issued to the petitioner, he shall file his affidavit to this effect.

The State shall be also at liberty to bring to the notice of this Court any new facts that come to its notice.

The present petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

24.12.2014
sjks