

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10920 of 2015
Date of Decision : 21.05.2015

Rattan Chand

.....Petitioner

Versus

State of U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Karanvir Singh Khehar, Advocate
for the petitioner.

Mr. R.S. Rai, Senior Advocate,
Senior Standing Counsel, U.T. Chandigarh with
Mr. Gautam Dutt, Advocate

R.P. Nagrath, J. (Oral)

Petitioner seeks bail under Section 439 Cr.P.C. in FIR No. 29 dated 16.01.2015 for offences under Sections 392/34 of Indian Penal Code (IPC) and Section 66-A of the Information and Technology Act, registered at Police Station Sector 26, Chandigarh.

I have heard learned counsel for the petitioner, the senior counsel for U.T. Chandigarh and perused the paper-book.

The version against the petitioner is that he alongwith two other exploited young school children of different schools. There were 13 such children who were cited in the list of witnesses.

When the matter was listed on 08.04.2015, the same was adjourned for today with a direction to the prosecution through Senior counsel for U.T. Chandigarh to produce the school children cited as witnesses in the set of reasonable number on each date of hearing and trial Court was directed to record their statements on

day to day basis and conclude their examination before the next date and also send status report.

Learned senior counsel for U.T. Chandigarh submits that the aforesaid direction has been complied with by examining them and giving up rest of the witnesses.

Learned senior counsel for U.T. Chandigarh, vehemently, contended that the petitioner threatened Mukul PW-4, which fact was observed by the learned trial Court before recording further cross-examination of PW-5 Kanav Ahuja on 20.04.2015. It is further submitted that DDR for the said conduct of the petitioner was registered on the directions of learned Magistrate and that was sent for enquiry by the police. Learned senior counsel also submitted that the status of trial is that only the official witnesses are to be examined and the evidence of prosecution would be shortly closed.

Looking into the aforesaid facts and without commenting on the merits of case and that the petitioner is in custody since 16.01.2015, the instant petition is allowed and the petitioner be admitted to bail on furnishing bail bonds to the satisfaction of the trial Court.

In view of the observations of learned Magistrate, it is directed that if any report regarding threat to the life and liberty of the witnesses or any of their family members is received and further if the attempt is made to delay the proceedings in the trial by seeking adjournments on behalf of the petitioner to cross-examine the prosecution witnesses, the concession of bail to the petitioner is

likely to be withdrawn. The prosecution in that event would be at liberty to apply for cancellation of the bail of petitioner on that account or if any adverse report on enquiry in the DDR is received.

May 21, 2015
jk

(R.P. NAGRATH)
JUDGE