

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M No. 42717 of 2014 (O&M)  
Date of decision : January 19, 2015

Rajender,

..... Petitioner

v.

State of Haryana,

..... Respondent

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. P.S Ahluwalia, Advocate  
for the petitioner.

Mr. Ashish Yadav, Addl. A.G Haryana

Mr. NS Sekhawat, Advocate  
for the complainant.

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- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

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**Ajay Tewari, J (Oral)**

The petitioner seeks grant of regular bail in case FIR No. 961, dated 30.12.2012, registered under Sections 302, 307, 148, 149 of the IPC and Sections 25, 27, 30 of the Arms Act, at Police Station Civil Lines, Hisar.

Counsel for the petitioner has relied upon the order dated 13.11.2014 (Annexure P-7) passed in CRM-M No.21476 of 2014, to contend that the present petitioner is identically situated to the petitioners in the said case. The order dated 13.11.2014 reads as follows :-

“ The petitioners seek grant of regular bail in case FIR No.961, dated 30.12.2012, registered under

Sections 302, 307, 148, 149 of the IPC and Sections 25, 54, 59 of the Arms Act, at Police Station Civil Lines, Hisar.

Learned counsel for the petitioners has argued that the petitioners are students and have now been in custody for almost two years, and that at present no other case is pending against them.

Counsel for the State of Haryana, as well as counsel for the complainant have accepted these factual assertions but have stated that weapons recovered from these two petitioners were also used in the fight.

The background is that both the parties had a pitched battle wherein shots were exchanged from both the sides and one person from the complainant side was killed.

Counsel for the complainant has further argued that despite the direction dated 18.3.2014, the prosecution has not been able to proceed because one or the other accused does not attend the Court. Moreover, one accused who was earlier granted bail has now been declared as proclaimed offender and the petitioners' side has been constantly threatening the witnesses.

Without commenting on the merits of the case, and keeping in view the entire factual matrix as well as the period of custody already suffered by the petitioners, I deem it appropriate to grant the concession of regular bail to them.

Bail to the satisfaction of the trial Court with heavy surety to reduce the chances of absconding of the petitioners. It is further made clear that in case of any attempt and intimidation of witnesses, the bail granted to the petitioners would be liable to be cancelled.

Petition stands disposed of.”

Counsel for the State of Haryana, as also counsel for the complainant have pointed out that distinction is that those persons were students while the present petitioner is not a student.

Be that as it may, now the present petitioner, who is otherwise identically situated, has suffered 2½ months further imprisonment, because that order was passed as far back as 13.11.2014. It is not disputed that the prosecution evidence is yet to start.

Counsel for the complainant has further argued that the trial is

being delayed by the accused persons as was pointed out on the earlier date also.

Counsel for the petitioner states that the petitioner would not hinder the trial and in case he absents himself without prior permission, even the present petition for bail would be liable to be re-called. As regards the allegation of threats, counsel for the petitioner undertakes that the petitioner shall not interfere with the evidence in any manner.

In view of the above and without commenting upon the merits of the case, I deem it appropriate to grant the concession of bail to the present petitioner in view of the statement of his counsel. Bail to the satisfaction of the trial Court.

Petition stands disposed of.

**January 19, 2015**

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**( AJAY TEWARI )  
JUDGE**