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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43760-2014

Date of Decision: 19.02.2015

Irshad @ Ajru @ Bhondu

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

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?*

Kuldip Singh J.(Oral)

In compliance of order dated 09.02.2015, affidavit of Dinesh Kumar, HPS, Deputy Superintendent of Police, Hodal, filed, and is taken on record.

Learned counsel for the petitioner has contended that previously in the present FIR four persons were arrested and tried by learned Additional Sessions Judge, Palwal and they were acquitted vide judgment dated 29.11.2014. The present petitioner was arrested on 01.09.2014 and has been put to trial.

Learned counsel for the petitioner has produced the copy of the statements of Panga Narendra Reddy PW2 (complainant), Chilmur Madhav Reddy PW3 as well as Panchi Pulus Siri Rammurti PW4, who

have not supported the prosecution case. Therefore, keeping in view of the fact that material witness is examined so far, have not supported the prosecution case, all the co-accused have already been acquitted and also considering the detention period of the applicant-petitioner, the petition is allowed and petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial Court 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.

Petition is accordingly disposed of.

February 19, 2015
Ishant

(KULDIP SINGH)
JUDGE