

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

CRL. MISC. No.M-16369 OF 2016
DATE OF DECISION : 22nd AUGUST, 2016

Ashraj @ Jony

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.25 dated 18.01.2016 registered under Sections 302 and 34 IPC at Police Station City Jind, District Jind.

Heard learned counsel for the rival parties.

The petitioner was arrested on 18.01.2016 and is in jail since then. As per the prosecution case the petitioner had caught hold of the deceased and his brother Akshay Kumar who is the main accused had given a *danda* blow on the head of the deceased. Thus, the gravity of the offence is more against Akshay Kumar and the present petitioner has merely caught hold the deceased. In this view of the matter, the petitioner should be enlarged on bail.

However, the interest of the prosecution, particularly of the eye witness i.e. the widow of the deceased, will have to be protected. In

response, learned counsel for the petitioner agreed that the petitioner will remove himself from the place of his residence i.e. adjoining house of the widow-complainant and would not apply for modification of this condition, till her entire evidence after decision of application under Section 319 Cr.P.C., is completed.

The statement of the learned counsel for the petitioner is accepted.

In view of the above, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the CJM/Duty Magistrate, Jind.
- (iii) The petitioner shall not enter his house.
- (iv) The petitioner shall not apply for modification of the above condition to stay out of his house till the trial is over as per the statement made.
- (v) The petitioner shall not tamper or influence the prosecution witness(es).
- (vi) The petitioner shall report to the concerned Police Station on every last Sunday of the month from 10.00 am to 1.00pm.
- (vii) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

22nd AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE