

CRM-M No.23518 of 2016 (O&M)

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

**CRM-M No.23518 of 2016 (O&M)
Date of decision : 06.09.2016**

Akhtar Hussain

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Pradeep Virk, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.

Mr. Amit Jain, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.471 dated 03.09.2015 registered under Sections 439 Cr.P.C. and Sections 148/149/323/452/307/302 IPC and Sections 25/54/59 of Arms Act at Police Station Punhana District Mewat (Haryana).

Learned counsel for the petitioner states that the petitioner has been in custody for more than one year and similarly situated persons have been granted bail.

Learned counsel for the complainant on the other hand has argued that the matter was fixed for 02.09.2016 and three prosecution witnesses had appeared (who had been appearing since 18.05.2016) but they were not cross-examined and in case the petitioner is released on bail there is a likelihood that he may intimidate those witnesses so that their testimony may not be recorded.

Keeping in view the fact that the petitioner has been in custody for one year and the fact that the prosecution witnesses were not cross-examined it is directed that the same prosecution witnesses would appear on 12.10.2016 which is the fixed date to subject themselves for cross-examination and they would be duly cross-examined by the counsel for the accused persons.

It is made clear that in case those witnesses do not appear the petitioner would be entitled to be released on bail by the trial Court. Once those witnesses have been cross-examined the trial Court would

release the petitioner on bail to its satisfaction. In case those witnesses appear but they are not cross-examined the petitioner would not be entitled to bail.

It is further clarified that the cross-examination would be taken on a day to day basis so that the same is concluded and the petitioner's right to liberty is not further jeopardized.

Petition is disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

06.09.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No