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

CRM-M-28161 of 2016 (O&M)

Date of decision: August 24, 2016

Sandeep @ Khopri

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Mohit Chaudhary, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. R.K. Saini, Advocate
for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.65 dated 15.02.2015, under Sections 148, 149, 323, 325, 302, 120-B, 212 of Indian Penal Code, 1860 and Sections 25, 54, 59 of Arms Act, 1959, registered at Police Station Indri, District Karnal, Haryana, petitioner was arrested on 15.02.2015 and is in Jail since then.

Learned counsel for the petitioner has pointed out the order dated 05.04.2016 (Annexure P-9) passed in CRM-M-7699 of 2016 granting bail to Sompal alias Babli and so also order dated 07.04.2016 (Annexure P-10) passed in CRM-M-7310 of 2016 granting bail to Mahinder Singh made by a Coordinate Bench of this Court. Learned counsel for the petitioner contended that the role of the petitioner- Sandeep alias Khopri and Mahinder is almost the same and however, Mahinder has been granted bail by this Court, on the ground of parity, the petitioner should also be granted the benefit of bail.

Learned counsel for the complainant as well as learned

State counsel have opposed the petition for grant of bail. Learned counsel for the complainant submits that the order made by Coordinate Bench of this Court is under challenge in a petition before the Hon'ble Apex Court and the Hon'ble Apex Court has issued notice of motion in that petition.

Be that as it may, the petition for bail to the present petitioner will have to be considered on its own merits. The reasons given by the Coordinate Bench of this Court having seen by me and I find that prima-facie, there is a case for grant of bail to the co-accused.

Learned counsel for the complainant as well as learned State counsel jointly state that the petitioner had made a phone call imparting threat to the complainant. Apart from that there is a C.D. that has been collected by the Investigating Officer. That investigation may go on but since the petitioner is said to have imparted threat to the complainant, it is necessary to make an order retraining him from entering the village where the complainant resides. Petitioner shall not tamper with the prosecution evidence or threat the prosecution witnesses.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the learned Chief Judicial Magistrate/trial Court concerned. Petitioner shall not enter the village where the complainant resides. Petitioner shall not tamper with the prosecution evidence or threat the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

August 24, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No