

221-A

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

CRM-M-28511 of 2016

Date of decision: November 07, 2016

Amit alias Mitta

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

Mr. Partap Singh, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.958 dated 01.12.2015, under Sections 148, 149, 302 and 506 of Indian Penal Code, 1860, registered at Police Station Civil Lines, Karnal, the petitioner-Amit alias Mitta seeks regular bail. He was arrested on 29.01.2016 and is in Jail since then. The trial has commenced. The evidence of Savita and Manoj has been seen by me.

Learned State counsel as well as learned counsel for the complainant opposes the petition for bail on the ground that their cross-examination is not yet completed and there is likelihood of tampering the evidence and one of the eye-witness, namely Balwinder is also required to be examined.

I have perused the deposition of these two witnesses,

namely Savita and Manoj so also the FIR and find that so far as the petitioner-Amit alias Mitta is concerned, the only allegation against him is that he was along with 10-12 persons who were standing along with other accused persons. Out of these 10-12 persons, Vicky and Rajesh attacked but there is no allegation that the petitioner-Amit alias Mitta had attacked anybody or he had performed any overt act resulting his participation in the unlawful assembly.

In that view of the matter, I am inclined to grant bail to the petitioner-Amit alias Mitta to the satisfaction of the trial Court. Hence, this petition is allowed. The petitioner-Amit alias Mitta be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall not tamper with the prosecution witnesses nor would contact any witness during trial. The petitioner shall report to the Police Station concerned on Sunday and Wednesday of every week between 10:00 A.M. to 4:00 P.M. except for the dates of appearance before the Sessions Court.

(A.B. CHAUDHARI)
JUDGE

November 07, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No