

221

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

CRM-M-35064 of 2016

Date of decision: November 29, 2016

Gaurav Kamboj alias Gauru

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Sunil. K. Nehra, Advocate for the petitioner.

Mr. A.S. Yadav, AAG Haryana.

Mr. Nonish Kumar, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.478 dated 29.07.2016, under Sections 148, 149, 323, 364, 452, 506 of Indian Penal Code, 1860, registered at Police Station City Jagadhri, District Yamunanagar, petitioner was arrested on 23.08.2016 and is in jail since then.

The challan has admittedly been filed before the competent Court. The offences are triable by the Magistrate.

Learned counsel for the complainant vehemently opposed the bail petition of the petitioner on the ground that the case is now fixed for charge before the learned Magistrate and there is likelihood of tampering with the prosecution witnesses, if the petitioner is released on bail. The similar is the stand taken by the learned State counsel.

In my opinion, looking to the nature of offences above and the fact that the challan has been filed, there is no point in continuing the detention of the petitioner as under trial. In that view of the matter, I am inclined to grant bail to the petitioner. However, care will have to be taken to the interest of the prosecution witnesses.

Learned counsel for the petitioner upon instructions from the petitioner states that the petitioner would not enter Yamunanager till the trial is completed same and except the dates of appearances before the trial Court and shall not apply for modification of this condition. In my opinion, statement would be sufficient to take care of interest of the prosecution witnesses.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not enter Yamunanager till the trial is completed same and except the dates of appearances before the trial Court and shall not apply for modification of this condition. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

November 29, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No