

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35763-2015

Date of decision: July 22, 2016.

Hardev Singh

... **Petitioner**

v.

State of Punjab and another

... **Respondents**

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

Present: Shri L.S. Sidhu, Advocate for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Punjab.

Shri S.K. Daaria, Advocate for respondent No.2 – complainant.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties. The petitioner was arrested on 31.7.2013 and is in jail since then pursuant to a criminal complaint filed by respondent No.2 – complainant. Admittedly, the police did not take cognizance of the alleged offence. Thereafter, the private complaint case was filed in which the process was issued. Pursuant thereof, the petitioner was arrested and is in jail for the last about three years. In my opinion, care can be taken to protect the interest of the prosecution by asking the petitioner to keep away from the place where he resides, but to

curtail the liberty of the petitioner for more than three years, would not be in the interest of justice.

In that view of the matter, present petition is allowed; the petitioner is ordered to be released on bail to the satisfaction of the trial court in Complaint Case No.77 dated 11.9.2009/719/2012, titled “Rasal Singh v/s Hardev Singh and others”. The petitioner, as undertaken on his behalf, would stay with Smt. Harbans Kaur widow of Atma Singh at Village Rajjeana, PS Bagha Purana, Distt. Moga during the period of bail. He will not enter District Tarn Taran except on the dates of hearing of the case. It is further directed that he will not tamper with the prosecution evidence and will not influence the witnesses.

July 22, 2016.
kadyan

[A.B. Chaudhari]
Judge