

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

CRL. MISC. No.M-36288 OF 2015 (O&M)
DATE OF DECISION : 4th AUGUST, 2016

Jaivir

.... Petitioner

Versus

State of Haryana & another

.... Respondent

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

* * * *

Present : Mr. G. S. Sidhu, Advocate for the petitioner and
for the applicant/petitioner in CRM-10542-2016

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Ravinder Malik Advocate
for complainant-respondent No.1 and
for the applicant in CRM-22373-2016.

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A. B. CHAUDHARI, J. (ORAL)

CRM-22373-2016

This is application by the complainant for impleading him as
party respondent No.2 to the instant petition.

For reasons mentioned in the application the same is allowed
as prayed for the applicant is ordered to be impleaded as party-
respondent No.2 to the instant petition.

Amended memo of parties annexed with the application be
taken on record.

The application stands allowed accordingly.

CRM-10542-2016

The application is allowed and statement of PW-1 Annexure
P-8 taken on record, subject to all just exceptions.

CRL. MISC. No.M-36288 OF 2015

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.312 dated 20.10.2014 registered under Sections 307, 201, 34 and 120-B IPC (Section 302 IPC added and Section 307 was deleted later on) and Section 25 of the Arms Act at Police Station Urban Estate Rohtak, District Rohtak.

Heard learned counsel for the rival parties and perused the statement placed before me by learned counsel for the parties.

Learned state counsel submits that private witnesses have been examined and two witnesses are remained to be examined.

Learned counsel for the complainant makes serious grievance against the petitioner and his accomplices on the ground that they have been threatening the family members of the complainant and witnesses. He further states that police has given protection to the complainant's family due to threat from the accused persons.

Upon perusal of the entire record, I find that *prima facie* there is no overt act attributed to the petitioner except the use of word 'conspiracy' by the complainant. Be it as it may. In the absence of any overt act attributed to the petitioner it would be of no use to detain the petitioner in jail. At the same time the interest of prosecution should also be safeguarded. Therefore, I have asked the learned counsel for the petitioner as to whether the petitioner would be ready to stay at a place other than District Rohtak and would not apply for modification of the condition if he is asked to stay outside the District.

Learned counsel for the petitioner has undertaken that the petitioner would not enter the limits of District Rohtak, except the date of

appearance before the Sessions Court. He further undertakes that the petitioner would not apply for modification of the condition not to enter the District at any point of time till the trial is completed.

In that view of the matter, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned Trial Court.
- (iii) The petitioner shall not enter the limits of the District Rohtak.
- (iv) The petitioner shall not apply for modification of the above condition to stay out of District Rohtak till the trial is over as per the statement made.
- (v) The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.
- (vi) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

4th AUGUST, 2016
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(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.