

218-A

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

CRM-M-37724 of 2016

Date of decision: December 14, 2016

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.83 dated 23.02.2016, under Sections 148, 149, 323, 325, 302, 120-B of Indian Penal Code, 1860, registered at Police Station Madlauda, Panipat, petitioner was arrested on 05.04.2016 and is in jail since then.

Learned counsel for the petitioner has relied upon the orders dated 23.09.2016 and 04.10.2016 made by this Court granting bail to the accused, namely Kaptan and Rajesh @ Kala, respectively. He submits that the petitioner is similarly situated and on the ground of parity, is entitled to grant of bail.

Per contra, learned counsel for the complainant as well as learned State counsel has vehemently opposed the petition for bail and argued that one person by name Pale Ram, was murdered and others were injured in the attack made by the petitioner and others. Therefore,

no case is made out for grant of bail to the petitioner. Learned counsel

for the complainant also added that he has filed two petitions for cancellation of regular bail granted by this Court to Kaptan and Rajesh @ Kala as stated above. He then submits that the offences are serious and there is likelihood of tampering with the prosecution evidence.

I have perused the FIR and orders made earlier by this Court granting regular bail to Kaptan and Rajesh @ Kala. A perusal of the FIR shows that the present petitioner-Amit had inflicted injuries to Sajjan Singh who lodged FIR and is alive as against Pale Ram who died in the incident. The challan has already been filed. The role attributed to the petitioner is thus, that he was the member of an unlawful assembly and had given injuries to the surviving person, namely Sajjan Singh with no specific weapon that is attributed to him. At the same time, care will have to be taken to protect the 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 who may impose such conditions as deem fit and proper. Petitioner shall not enter Madlauda, District Panipat same and except the dates of appearance before the trial Court. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

December 14, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No