

104+215

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

CRM-M-8338 of 2016 (O&M)

Date of decision: August 05, 2016

Ravinder Singh @ Binda

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. AG Punjab.

Mr. Karamjit Singh, Advocate for
Mr. P.S. Dhaliwal, Advocate
for the complainant.

A.B. CHAUDHARI, J (Oral)

CRM No.23753 of 2016

Heard.

Application is allowed and Annexures A-1 to A-9 are taken on
record.

CRM-M-8338 of 2016

Heard learned counsel for the rival parties.

In FIR No.38 dated 01.05.2015, under Sections 379, 447, 511,
506, 148, 149 of Indian Penal Code, 1860 and Section 3(1)(iv) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, registered at Police Station Mehna, District Moga, petitioner was
arrested and is in jail since then.

There is a detailed affidavit filed by Gurmail Singh, PPS,
Deputy Superintendent of Police, Sub Division Dharamkot, District Moga

wherein it is clearly pointed out that the petitioner is facing large number of prosecution at the same time and the subject matter of the present FIR.

Learned State counsel states that area of operation of the petitioner has been found to be the District Moga and District Ludhiana.

Learned counsel for the complainant vehemently opposed the petition for bail on the ground that the petitioner is likely to tamper with the prosecution evidence and also threatens the prosecution witnesses including the complainant and he submits that atleast the evidence of the complainant should be recorded before the petitioner is allowed bail.

In that view of the matter, since the challan has been filed and the offence is triable by Special Court in view of the offence under SC/ST Act, in my opinion, in that view of the matter, the petitioner can be allowed the relief of bail. However, care will have to be taken for the interest of the prosecution and its witnesses, in view of the threat perception as explained by the learned counsel for the complainant as also learned State counsel.

In that view of the matter, learned counsel for the petitioner makes a statement that the petitioner would not enter the Districts of Moga and Ludhiana except on the date of appearances before the concerned Court and if petitioner found within the Districts of Moga and Ludhiana, he shall be arrested by the police. Statement is accepted. Learned counsel for the petitioner also makes a statement that the petitioner shall not apply for modification of this condition. Statement is again accepted.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the learned trial Court, with further clarification that in case, he found to be indulged in any other offence, State will be at liberty to apply for cancellation of bail. Petitioner

would not enter the Districts of Moga and Ludhiana except on the date of appearances before the concerned Court and if he found within the Districts of Moga and Ludhiana, he shall be arrested by the police. Petitioner shall not apply for modification of this condition.

(A.B. CHAUDHARI)
JUDGE

August 05, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No