

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

CRR-2757-2016

Date of decision: August 08, 2016.

Bablu @ Suresh Kataria and others

... **Petitioner**

v.

State of Haryana and another

... **Respondents**

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

Present: Shri S.P. Arora, Advocate for the petitioners.
Ms. Tanushreet Gupta, Assistant Advocate General, Haryana.
Shri Jagmohan Ghumman, Advocate for respondent No.2.

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

Heard learned Counsel for the petitioners as well as learned counsel for the complainant – respondent No.2 and the State Counsel.

At the outset, learned Counsel for the petitioners has made a categorical statement, on instructions, that the petitioners do not press the challenge to the order passed on the application under Section 319 Cr.P.C. by which they have been summoned. Statement is accepted. Prayer for setting aside the order passed under Section 319 Cr.P.C. is rejected.

The next aspect is about grant of bail to the petitioners pending trial pursuant to the order made under Section 319 cr.P.C. Learned Counsel for the petitioners has pressed for grant of bail since, according to him, they were declared innocent when challan was filed by the police. According to him, there is no prima facie case against the petitioners to disallow them the relief of bail. As against this, learned counsel for the complainant has vehemently opposed the prayer for grant of bail on the ground that the

petitioners are gangsters of the area and the complainant has been provided police security by this Court. He, therefore, submits that the petitioners should not be granted the concession of bail.

I have perused the FIR as well as the statement of Naresh Kumar PW examined by the prosecution on whose behalf the court acted and summoned the petitioners under Section 319 Cr.P.C. Upon perusal of the order as well as the FIR and the role attributed to the present petitioners, I am satisfied that the petitioner be granted the relief of bail pending trial. However, care will have to be taken to protect the interest of the prosecution witnesses as well as the prosecution. In that view of the matter, learned Counsel for the petitioners makes a statement that all the petitioners shall not enter the limits of District Gurgaon till trial is completed. Learned Counsel for the petitioners further submits that the petitioners will not apply for modification of the order till the trial completed.

Consequently, while disposing of the petition, prayer for setting aside the order allowing application under Section 319 Cr.P.C. is rejected. However, the petitioners are enlarged on bail. They shall not enter District Gurgaon till the trial is completed and also shall not apply for modification of this condition till the trial is concluded. However, liberty is granted to the petitioners to seek modification of restriction to enter any other place except the Gurgaon City only after six months.

[A.B. Chaudhari]
Judge

August 08, 2016.

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No