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

**Date of decision: March 23, 2017
CRM-M-10209 of 2016**

Sandeep

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CRM-M-27226 of 2016

Sandeep

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Amit Choudhary, Advocate the petitioner(s).

Ms. Tanushree Gupta, DAG Haryana.

Mr. Shiv Kumar, Advocate
for respondent No.2 (in both the petitions).

A.B. CHAUDHARI, J (Oral)

Rule. Heard forthwith with the consent of learned counsel
for the rival parties.

In both these petitions, the petitioner-complainant victim
has challenged the orders made by the trial Court granting bail pending
trial to the accused persons, arising out of FIR No.152 dated
21.05.2015, under Sections 148, 149, 323, 325, 307, 506 of the Indian
Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at
Police Station Sadar Ballabhgarh, District Faridabad.

Learned counsel for the petitioner-complainant vehemently

argued that after having obtained the orders granting bail from the trial Court, respondent No.2-accused persons have again been committing the offences and thus, the petitioner-complainant is put to threat and criminal intimidation and were also pressurizing to compound/compromise. He, therefore, prayed for cancellation of orders granting bail to the accused persons, even on merits arguing that, though, there is prima-facie case, the trial Court ought not to have granted bail.

Learned counsel for the respondent No.2-accused persons has brought to my notice the order dated 28.02.2017 passed in CRM-M-39009 of 2016 and contended that the petitioner himself is responsible for delaying the trial and this Court has in any case directed the trial Court to expedite and complete the trial within 6 months from the said date, namely 28.02.2017.

Learned State counsel submits that the trial is now fixed for framing of charge on 24.04.2017.

As it is seen that there are, in all, 8 accused, out of which 2 have been found innocent and there are 3 in jail awaiting trial. Thus, accused persons who were released on bail by the orders of the trial Court that were passed in the years 2015 and 2016, i.e. almost 2 years back. In my opinion, the petitioner who apprehends threat perception or intimidation deserves to be granted witness protection till the trial is completed. However, the trial is fixed for charge on 24.04.2017, which, in my opinion, is a longer date and should not have been fixed

by the trial Court in the wake of order dated 28.02.2017. Be that as it may, this Court is not inclined to interfere with the orders granting bail in view of the witness protection being granted to the petitioner-complainant and in view of the trial being expedited within the stipulated period. In the result, I make the following order:-

ORDER

- (i) CRM-M-10209 of 2016 and CRM-M-27226 of 2016 are disposed of declining the prayer for cancellation of bail of the respondent No.2-accused persons in both these petitions;
- (ii) The petitioner shall be granted witness protection by the Commissioner of Police concerned till the trial is completed;
- (iii) Trial Court to positively frame charge on 24.04.2017 and State to produce the accused who are in jail promptly on that day. Thereafter, the trial shall be commenced and the statements of the witnesses shall be recorded at the earliest. The cross-examination shall not be deferred after recording of examination-in-chief.

(A.B. CHAUDHARI)
JUDGE

March 23, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No