

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

**CRL. MISC. No.M-10654 OF 2017 (O&M)
DATE OF DECISION : 19th APRIL, 2017**

Aman & another

.... Petitioners

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. Paramjit Singh Jammu, Advocate for the petitioners.
 Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

CRM-11665-2017

The application is allowed and Annexure P-7 statement of PW-1 is taken on record, subject to all just exceptions.

CRL. MISC. No.M-10654 OF 2017

This is a petition under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in case FIR No.410 dated 27.12.2015 registered under Sections 302, 323, 148, 149 & 120-B IPC at Police Station Sadar Dabwali, District Sirsa.

Rule heard forthwith with the consent of the counsel for the rival parties.

The trial Court made an order under Section 319 Cr.P.C. summoning the petitioners as accused in the pending trial, which has since commenced.

There is no prayer for challenge of said order under Section 319 Cr.P.C. The petitioners have therefore restricted their relief for grant of anticipatory bail only in the aforesaid FIR.

With the assistance of learned counsel for the parties, I have perused the evidence of Vinod Kumar, on whose evidence the trial Court made the order under Section 319 Cr.P.C summoning the petitioners. *Prima facie*, I find that the petitioners were not chargesheeted at the initial stage but at the stage of recording of evidence the Court found it necessary to summon the petitioners under Section 319 Cr.P.C., with which no fault can be found out.

Learned counsel for the complainant has vehemently opposed the petition for anticipatory bail. However, I find that the petitioners were never chargesheeted and pursuant to the order under Section 319 Cr.P.C. they have been summoned. The crime relates to the year 2015 and it is in that view of the matter, I think the relief of anticipatory bail should be extended to them. At the same time, the care will have to be taken to protect the interest of the prosecution and its witnesses, particularly because the petitioners as well as the complainant are residents of the same village i.e. Abubshehar. In order that the witnesses are not tampered, it would be, therefore, appropriate to ask the petitioners to remove themselves from the said village till the trial is completed, eventually because the trial has already started.

In that view of the matter, counsel for the petitioners makes statement that the petitioners shall not enter the limits of the village Abubshehar till the disposal of the trial and shall not apply for

modification of this condition. Statement of learned counsel for the petitioners is accepted.

The counsel for the complainant feels relief in the sense that the petitioners could be prevented from tampering the prosecution evidence. The counsel for the petitioners already agrees to accept the said condition for grant of anticipatory bail.

In the light of the above, I make the following order:

ORDER

- (i) CRL. MISC. No.M-10654 OF 2017 is allowed.
- (ii) The petitioners be released on anticipatory bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioners shall appear before the trial Court and face the trial with promptitude and shall not obstruct the trial.
- (iv) The petitioners shall not enter the limits of Village Abubshehar till the completion of the trial.
- (v) The petitioners shall not apply for modification of the above condition till the trial is over as per the statement made.
- (vi) The petitioners shall not tamper or influence the prosecution witnesses.
- (vii) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

19TH APRIL, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

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