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

CRM-M-11676 of 2017 (O&M)

Date of decision: April 26, 2017

Arshdeep

.....Applicant-Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. A.S. Sullar, Advocate for the applicant-petitioner.

A.B. CHAUDHARI, J (Oral)

CRM No.13656 of 2017

Heard.

Application is allowed and Annexure P-3 (colly) and
Annexure P-4, are taken on record.

CRM-M-11676 of 2017

This is a petition seeking grant of anticipatory bail to the
petitioner in case FIR No.410 dated 27.12.2015, under Sections 302,
323, 120-B, 148, 149 of Indian Penal Code, 1860, registered at Police
Station Sadar Dabwali.

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

The trial Court made an order under Section 319 of Code
of Criminal Procedure, 1973 (for short 'Cr. P.C.') summoning the
petitioner 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 petitioner has therefore, restricted his 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 petitioner was not charge-sheeted at the initial stage, but at the stage of recording of evidence, the Court found it necessary to summon the petitioner under Section 319 Cr. P.C., with which no fault can be found out.

I find that the petitioner was never charge-sheeted and pursuant to the order under Section 319 Cr. P.C., he has 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 him. At the same time, the care will have to be taken to protect the interest of the prosecution and its witnesses. In order that the witnesses are not tampered, it would be, therefore, appropriate to ask the petitioner to remove themselves from the village Abubshehar till the trial is completed, eventually because the trial has already started.

In that view of the matter, learned counsel for the petitioner makes statement that the petitioner 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 petitioner could be prevented from tampering the prosecution

evidence. The counsel for the petitioner 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) CRM-M-11676 of 2017 is allowed;
- (ii) The petitioner be released on anticipatory bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned;
- (iii) The petitioner shall appear before the trial Court and face the trial with promptitude and shall not obstruct the trial;
- (iv) The petitioner shall not enter the limits of Village Abubshehar till the completion of the trial;
- (v) The petitioner shall not apply for modification of the above condition till the trial is over as per the statement made;
- (vi) The petitioner 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.

(A.B. CHAUDHARI)
JUDGE

April 26, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No