

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

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**CRM-M-12353-2017
Decided on: 14.07.2017**

Rishi Lal and another

.... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. J.S. Bedi, Sr. Advocate, with
Mr. L.S. Chahal, Advocate,
for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

Mr. R.S. Mamli, Advocate,
for the complainant.

SUDIP AHLUWALIA, J (ORAL)

Ld. Counsel for the petitioners contends that the petitioners were originally named in the FIR by the complainant, who happens to be a practising Advocate at Chandigarh. During investigation, the police found only one person, namely, Megh Raj, out of the four persons, to be involved in the murder of the complainant's father. They could not collect any material to connect the remaining three persons, who incidentally also underwent for Polygraph Tests, which went in their favour. Consequently, challan was sent up only against Megh Raj, but during trial, from the statements of the complainant appearing as PW-1, the names of the other three persons again transpired, on account of which, they were summoned under Section 319 Cr.P.C. One of those three persons, namely, Ramesh Chand has already been granted regular bail, after having been arrested, following rejection of his anticipatory bail petition and SLP.

The instant petition is opposed by Ld. Counsel appearing on behalf of the complainant, whose submission is that considering the old age of the sole charge sheeted accused, Megh Raj, who, presently, is around 65 years of age, as many as 8 injuries found on the person of the deceased, could not have been caused him by alone. His further contention is that the petitioners by virtue of their clout and desperate nature, if allowed to remain on bail, would intimidate the private witnesses remaining to be examined, and have already succeeded in making two of the private witnesses to turn hostile during trial.

It is, however, submitted by Ld. DAG, appearing for the State that after framing of fresh charges against the petitioners, the only two remaining private witnesses sought to be examined on recall, are the complainant himself and his own brother, namely, Jai Prakash, who, undoubtedly, cannot be influenced under the given circumstances, since in any case, admittedly, Jai Prakash had no first hand knowledge of the occurrence.

Ld. Counsel for the complainant, however, submits that some other private independent witnesses are sought to be examined by invoking the power under Section 311 of the Cr.P.C. in the Trial Court.

In the totality of the circumstances, this Court is of the opinion that considering the position upto now, liberty of the petitioners cannot be curtailed due to any speculative application, which is yet to be filed. Suffice it to say, if there was already an application under Section 311 of the Cr.P.C. on record, the Court might have been inclined to take a different view. However, at this stage, it finds no reason to treat the petitioners on a different footing from co-accused Ramesh Chand, who has been released on bail, when the listed private witnesses in the charge sheet apart from the complainant and his brother himself have already been examined.

For the aforesaid reasons, the interim bail already granted to the petitioners is, hereby, ordered to be confirmed.

Disposed of.

(SUDIP AHLUWALIA)
JUDGE

14.07.2017
Dinesh

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