

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

CRL. MISC. No.M-16807 OF 2017
DATE OF DECISION : 31ST MAY, 2017

Gaurav

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Ms. Seema Pasricha, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.33 dated 09.03.2017 registered under Sections 323, 324, 324, 326, 148 & 149 IPC at Police Station Division No.5, District Jalandhar.

Heard learned counsel for the rival parties.

The petitioner was arrested in this FIR on 10.03.2017 and since then he is in jail.

Learned counsel for the petitioner submits that the age of the petitioner is only 18 years and there is no other case against him of similar nature.

Learned counsel for the State opposed the petition for bail on the ground that three Kirpan blows on the person of his neighbour with serious injuries have been attributed to the petitioner. Looking to the date of arrest of the petitioner and further fact that the investigation must have been completed

by this time and also looking to the nature of offence registered against the petitioner, I think the petitioner should be released on regular bail.

However, the care will have to be taken to protect the interest of the prosecution and its witnesses including complainant, particularly because the petitioner as well as the complainant are neighbours. In order that the witnesses are not tampered, it would, therefore, be appropriate to ask the petitioner to remove himself from City Jalandhar till the trial is completed.

In that view of the matter, counsel for the petitioner makes statement that the petitioner shall not enter the City Jalandhar till the disposal of the trial and shall not apply for modification of this condition, at least till the victim/complainant is actually examined before the Court below. Statement of learned counsel for the petitioner is accepted.

In the result, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-16807 OF 2017 is allowed.
- (ii) The petitioner shall be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall not enter the City Jalandhar till the disposal of the trial and shall not apply for modification of this condition at least till the completion of examination and cross-examination of the complainant and material witnesses.
- (iv) The petitioner shall not tamper or influence the prosecution witness(es).
- (v) The petitioner to inform the prosecuting agency regarding the concerned police station and place of his residence out of city Jalandhar.

(vi) In case of violation of the above condition on the part of the petitioner, the liberty is reserved in favour of the complainant/State to apply for cancellation of bail.

31ST MAY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>