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

CRM-M-18853 of 2017

Date of decision: July 26, 2017

Rajinder Kumar @ Baabu

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. B.S. Randhawa, Advocate for the petitioner.

Ms. Samina Dhir, DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.186 dated 10.10.2016, under Sections 307, 325, 452, 148, 149, 120-B of Indian Penal Code, 1860, registered at Police Station Mukerian, District Hoshiarpur.

The allegations against the petitioner is that the petitioner had given a single blow on the head by means of *datar*. Petitioner was arrested on 23.11.2016 and is in jail since then.

Learned counsel for the petitioner submits that the charge has been framed against the petitioner and the case is now posted for evidence before the trial Court.

In my opinion, unless the complainant/victim is examined and cross-examined, the petitioner cannot be allowed to enter Mukerian since he would obviously tamper the prosecution witness

and particularly, the complainant/victim who suffered injury.

Learned counsel for the petitioner, on instructions from the petitioner, states that the petitioner will not enter Mukerian till the examination of material witnesses including victim.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not enter Mukerian till the examination of material witnesses including victim. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

July 26, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No