

CRM-M-25591-2017 &
CRM-M-29885-2017

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

(1)

CRM-M-25591-2017
Date of decision:-27.9.2017

Sakeel

...Petitioner

Versus

State of Haryana

...Respondent

(2)

CRM-M-29885-2017

Saraju @ Sarajuddin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Gautam Dutt, Advocate
for the petitioner in **CRM-M-25591-2017**.

Mr.Ravi Malik, Advocate for
Mr.L.S. Sekhon, Advocate
for the petitioner in **CRM-M-29885-2017**.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.(ORAL)

By this order, I intend to dispose of two petitions i.e. **CRM-M-25591-2017** filed by petitioner Sakeel and **CRM-M-29885-2017** filed by petitioner Saraju @ Sarajuddin for grant of regular bail, who are accused in FIR No.112 dated 16.3.2010, under Sections 148, 323, 325, 302, 452, 506, 212 read with Section 149 IPC registered at Police Station Hathin, District Palwal.

As a matter of fact, both the petitioners have been declared proclaimed offenders, whereas other accused had faced trial and were convicted. Both the petitioners were arrested on 17.2.2017. Supplementary challan against them was filed and they are facing trial in the Court.

It is stated that all the material witnesses examined during the trial which include the eye-witnesses and family members of the deceased have not supported the prosecution case against the present petitioners. It is also stated that 25 witnesses are yet to be examined. This fact is not controverted by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners.

Accordingly, the petitions are allowed. The petitioners namely Sakeel and Saraju @ Sarajuddin are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Palwal, on following conditions:

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial. Since both the petitioners have been declared proclaimed offenders earlier, the Court accepting the bonds is to ensure that the sureties furnished by them are sound and are in a position to cause appearance of petitioners in the Court in case they absent themselves during the trial.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It is made clear that if the petitioners are found to be involved in any criminal act at any stage after being released on bail, the order granting them bail would be liable to be withdrawn.

The petitions stand allowed accordingly.

27.9.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No