

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

**CRM-M No.29235 of 2016 (O&M)
Date of Decision: March 01,2017**

Rajpal @ Raj

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J. S.Bedi, Senior Advocate with
Mr. K. S. Sandhu, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

Mr. Rahul Rathore, Advocate
for the complainant.

DEEPAK SIBAL J. (ORAL)

The present is the second petition filed by the petitioner under Section 439 Cr.P.C. for the grant of regular bail in FIR No.251 dated 20.08.2015 registered under Sections 307/34 IPC and 25/54/59 of the Arms Act, at Police Station Butana, District Karnal.

Seeking regular bail for the petitioner, learned Senior counsel submits that the petitioner has been in custody since 03.10.2015; as on date 16 prosecution witnesses remain to be examined; a cross case filed at the instance of one Kamal @ Lalu is pending before the Magistrate at the pre-summoning stage in which the allegations are that the complainant was the aggressor as it was he who had come to the house of the petitioner; all the eye-witnesses and the injured have been examined before the trial Court and, therefore, there is no chance for the petitioner to tamper with the evidence.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail on the ground that the petitioner is the main accused; he is a habitual offender and therefore, if released on bail, it is likely that he would tamper with the evidence.

The petitioner has already been in custody for about 1½ years; a cross case which would determine as to who is the aggressor is pending before the Magistrate; the material witnesses have already been examined; 16 prosecution witnesses still remain to be examined and therefore, the trial is not likely to conclude in the near future.

In view of the above, without commenting on the merits of the case, lest it may prejudice either of the parties, I am of the opinion that the petitioner deserves to be released on regular bail subject to the satisfaction of the trial Court.

Allaying the apprehensions raised on behalf of the State as also the complainant, it is directed that in case the petitioner is found indulging in any act which would unduly interfere in the course of the trial or is found indulging in any other criminal activity, it will be open to the State/complainant to move the Competent Court/this Court seeking cancellation of the bail granted to the petitioner through this order.

It is again clarified that nothing observed hereinabove shall be considered to be an expression of opinion by this Court on the merits of the case.

March 01, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No