

214

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

CRM-M-30640 of 2016

Date of decision: February 06, 2017

Balbir Kumar @ Mani

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Navkiran Singh, Advocate for the petitioner.

Mr. Abhishek Chautala, AAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.8 dated 22.02.2016, under Sections 307, 148, 149 of Indian Penal Code, 1860, Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station Garhdiwala, District Hoshiarpur, the petitioner seeks regular bail. The petitioner was arrested on 23.02.2016.

Indeed, the allegations against the petitioner is that it is the petitioner, who had fired first shot which hit the shoulder of the complainant and also fired second shot in vain. This Court had made an order dated 03.10.2016 expecting that the material witnesses would be examined in the trial since the petitioner has been in jail for the last one year. However, zimni orders produced before me show that the supplementary challan is being filed, as a result of which, obviously, the trial has not yet commenced. The trial will take its own time, but

then the interest of the complainant as well as prosecution will have to be taken care of.

Learned counsel for the petitioner, on instructions from the petitioner, categorically makes a statement that the petitioner shall not enter the District of Hoshiarpur and in particular place Garhdiwala till the trial is completed, same and except the dates of appearances before the Sessions Court at Hoshiarpur or whenever is required to appear as a witness in another counter case. Learned counsel for the petitioner undertakes not to apply for modification of the order, till then. Statement is accepted.

In that view of the matter, this petition is allowed. Petitioner be released on bail, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, subject to above said condition. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses. Liberty is reserved in favour of the petitioner to apply for modification of the condition only in the event of examination of all the material witnesses before the Sessions Court.

(A.B. CHAUDHARI)
JUDGE

February 06, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No