

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

CRL. MISC. No.M-31641 OF 2016
DATE OF DECISION : 13th FEBRUARY, 2017

Subhash & others

.... Petitioners

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. A. S. Sullar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

This is a petition under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.264 dated 06.11.2015 registered under Sections 302, 323, 148 & 149 IPC and Section 3 of SC/ST Act 1989 at Police Station Narwana Sadar, District Jind.

Heard learned counsel for the rival parties.

Learned State counsel submits that in all charges have been filed against 13 persons, including the present petitioners. Learned State counsel invited my attention towards the reply filed by the State. Learned State counsel further submits that the charges are yet to be framed and names of 13 persons are cited as witnesses.

The petitioners No.1 and 2 were arrested on 09.11.2015 and petitioner No.3 was arrested on 11.11.2015 and since then they are in jail. Admittedly, the challan has been filed. Perusal of the reply shows that there was dispute between the parties over the irrigation of the field and the mob consisting of 100-150 persons, perhaps from both sides, had been involved in the attack, as a result of which there was one murder of

a woman and several other were injured. The learned counsel for the petitioners submits that some of the accused persons were also injured.

Be that as it may, the dispute appears to be between the parties and there is every likelihood of tempering of the evidence(s) if the petitioners are allowed to enter the place of occurrence i.e. Village Kaloda Kalan, Tehsil Narwana. At the same time the petitioners being in jail for about one year three months, it would not be appropriate to continue their detention under trial *ad infinitum*, particularly because after filing of the chargesheet, till this date even charge has not been framed. But then, the care is being taken that the prosecution witnesses are not threatened or tampered or in any manner contacted or influenced by the accused persons.

In that view of the matter, counsel for the petitioner makes statement upon instructions that the petitioners shall not enter the limits of the Tehsil Narwana including the Village Kaloda Kalan at any point of time and would reside somewhere else till the disposal of the trial and shall not apply for modification of this condition. Statement of learned counsel for the petitioners is accepted.

In the light of the above, I make the following orders:

ORDER

- (i) CRL. MISC. No.M-31641 OF 2016 is allowed.
- (ii) The petitioners be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioners shall not enter the limits of Tehsil Narwana including Village Kaloda Kalan, save and except the date of hearing before the trial Court.

- (iv) The petitioners shall not apply for modification of the above condition to stay out of Tehsil Narwana including Village Kaloda Kalan till the trial is over as per the statement made.
- (v) The petitioners shall not tamper or influence the prosecution witnesses.
- (vi) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

13th February, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No