

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

224

CRM-M-35604 of 2017

Date of decision: November 14, 2017

Ranbir

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

The petitioner seeks regular bail in FIR No.298 dated 02.08.2011, under Sections 148, 149, 302 of Indian Penal Code, registered at Police Station Sampla, District Rohtak.

Pursuant to the order dated 25.07.2014, passed in CRR No.2668 of 2013, the petitioner was summoned as an accused in a pending trial arising from the aforesaid FIR. The petitioner was proclaimed offender as stated by learned State counsel for a period of about one year and has undergone the sentence. The petitioner is thus in jail since the date of arrest i.e. 17.12.2016.

The trial Court rejected the petition for regular bail on the ground that the petitioner was earlier declared proclaimed offender and there would be chances for his absconding. The witnesses have to be examined again and therefore in offence of tempering witnesses,

regular bail could not be granted. Still the role attributed to the petitioner that he had held one leg of the deceased Suresh while other side assaulted. I think that the petitioner has made out a prima facie case for grant of regular bail but then in terms of positive similarities also protected and as a witness would be re-examined before the trial Court.

In that view of the matter, the petitioner be released on bail, subject to the following conditions:-

- (i) The **CRM-M-35604 of 2017** is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (iv) The petitioner shall not enter in the Rohtak District since the trial is completed.
- (v) Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.
- (vi) In case, the petitioner violates the above said conditions, this order of bail comes to an end automatically without reference to this Court.

(A.B. CHAUDHARI)
JUDGE

November 14, 2017
anju rani

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