

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

CRL. MISC. No.M-36848 OF 2017
DATE OF DECISION : 6th OCTOBER, 2017

Rohit

.... Petitioner

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. Himanshu Rao, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.41 dated 21.02.2017 registered under Sections 148, 149, 307, 324, 452 & 506 IPC and Section 25 of the Arms Act at Police Station City Rewari, District Rewari.

Heard learned counsel for the rival parties.

The prosecution case is that the petitioner has given *danda* blow to the victim. Learned counsel for the complainant submits that the petitioner was part of the unlawful assembly which entered the house of the complainant and inflicted injuries.

Though that is true, the fact remains that the petitioner was armed with a *danda* only and had given the *danda* blow, it would be therefore, debatable at this stage about the complicity of the present petitioner, looking to the absence of any motive in the FIR. In that view of the matter, I am inclined to grant bail to the petitioner.

However, the care will have to be taken to protect the interest of the prosecution, since the petitioner could easily tamper the prosecution witnesses.

In that view of the matter, learned counsel for the petitioner makes a statement on behalf of the petitioner that the petitioner would not enter the limits of City Rewari till the recording of the evidence of the prosecution witnesses. Hence, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-36848 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the CJM/Duty Magistrate, Rewari.
- (iii) The petitioner shall not enter the limits of City Rewari till the examination and cross-examination of the prosecution witnesses, save and except the dates of attendance before the trial Court in the present case and shall not apply for modification of this condition till then.
- (iv) The petitioner shall not tamper or influence the prosecution witness(es).
- (v) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

6th OCTOBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No