

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

CRL. MISC. No.M-40813 OF 2017
DATE OF DECISION : 9th NOVEMBER, 2017

Karan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Birinder Singh Khehar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed second petition under Section 439 Cr.P.C. seeking regular bail in FIR No.38 dated 01.06.2016 registered under Sections 324, 148 & 149 IPC (Section 302 IPC added later on) registered at Police Station Behrampur, District Gurdaspur.

Heard learned counsel for the rival parties.

This Court had granted regular bail to the petitioner vide order dated 07.12.2016 (Annexure P-2) passed in CRM-M-42462-2016. The reason given by this Court was that the petitioner was attributed *lalkara* only and nothing more. This Court however in order to protect the interest of the prosecution witnesses, imposed the condition that the petitioner shall not enter the limits of District Gurdaspur. However, the complainant came before this Court making grievance that the petitioner not only entered the limits of District Gurdaspur and also threatened the

complainant. This Court found substance in the submission of the complainant and made order dated 27.04.2017 (Annexure P-3) in CRM-M-2666-2017 canceling the bail of the petitioner for violation of the condition imposed by this Court. The petitioner thereafter went to the Apex Court. Though the Apex Court did not entertain the petition but the liberty is reserved in favour of the petitioner to apply for bail after three months from the date of order i.e. 07.06.2017. The three months' period has expired on 07.09.2017 and the petitioner has filed this second petition for regular bail.

Learned counsel for the petitioner submits that the petitioner would abide by the condition that was earlier imposed by this Court while granting bail.

In my opinion, the attribution to the petitioner is of raising *lalkara* only and since the petitioner wants to abide by the condition earlier made not to enter the District Gurdaspur till the completion of trial, there is no point in detaining the petitioner in jail since the trial will take its own time. In that view of the matter, I am inclined to grant regular bail to the petitioner.

At this stage learned State counsel, on instructions from ASI Lakhwinder Singh, submits that by now five witnesses have been examined.

In the result, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-40813 OF 2017 is allowed.

- (ii) The petitioner is ordered to 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 the limits of the District Gurdaspur except the date of appearance before the Sessions Court.
- (iv) The liberty is reserved in favour of the petitioner to apply for modification of the above condition to stay out of District Gurdaspur as five witnesses have already been examined as stated by learned State counsel.
- (v) The petitioner shall not tamper or influence the prosecution witnesses.
- (vi) The petitioner shall report to the concerned Police Station on every last Sunday of the month from 10.00 am to 1.00 pm.
- (vii) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

9th NOVEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>