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

CRM-M-41696 of 2017

Date of decision: December 13, 2017

Rajvinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. H.S. Deol, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.40 dated 26.05.2017, under Sections 307, 148, 149 of Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Mallanwala District Ferozepur.

Perusal of the impugned order shows that the petitioner-Rajvinder Singh had fired thrice, but then the aim of firing was not at the vital part of the body. Be that as it may, this Court did not grant bail on the last date in order that the witnesses should be examined. But now there is zimini order dated 28.11.2017, which shows that, though, the witnesses were served to appear before the trial Court for deposing, they did not appear. In my view, the police ought to give witness protection to the witnesses in first place and secondly, the

petitioner can be released on bail and should not be allowed to enter District Ferozepur till the trial is completed save and except the dates of appearances before the trial Court, in order that the witnesses should not be tampered.

Learned Senior counsel for the petitioner makes a categorical statement, on instructions that the petitioner would not enter District Ferozepur till the trial is completed save and except the dates of appearances before the trial Court.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner would not enter District Ferozepur till the trial is completed save and except the dates of appearances before the trial Court. Petitioner shall deposit his passport, if possesses, with the trial Court. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well. Liberty is in favour of the petitioner to apply for modification of the condition only after all the material witnesses are examined and cross-examined. In violation of the condition, liberty is reserved in favour of the complainant and police to apply for cancellation of bail.

(A.B. CHAUDHARI)
JUDGE

December 13, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No