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

CRM-M-786 of 2017 (O&M)

Date of decision: April 18, 2017

Raj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Jai Vir Yadav, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is a petition seeking grant of regular bail to the petitioner in FIR No.371 dated 22.09.2016, under Sections 307/34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Pataudi, District Gurgaon. The petitioner was arrested on 28.09.2016 and is in jail since then.

This Court had not made an order about grant of regular bail since this Court wanted the complainant to be examined in order that the evidence of complainant is not tampered and therefore, the petition was adjourned. Pursuant to the last order dated 06.03.2017, now the deposition of the complainant has been placed before me. Looking to the deposition of the complainant, it is clear that he has named Ajay Kumar as a person who has fired shot and in so far as the

present petitioner is concerned, it is stated that he was the driver of the motorcycle, on the basis of the evidence from the CCTV of a neighbour. Looking to the entire evidence, however, without commenting further on merits, I find, prima-facie case is made out by the present petitioner for grant of bail in the light of the deposition of the complainant.

In that view of the matter, this petition is allowed. Petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not enter village Rathiwas till the trial is completed. Petitioner shall report to the police station concerned twice a week on Wednesday and Sunday between 11:00 AM to 1:00 PM. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

April 18, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No