

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

**CRL. MISC. No.M-9623 OF 2017 (O&M)
DATE OF DECISION : 26th APRIL, 2017**

Pardeep @ Kala

.... Petitioner

Versus

State of Haryana

.... Respondent

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

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Present : Mr. Surinder Singh Duhan, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Krishan Kumar Chahal, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this third petition under Section 439 Cr.P.C. seeking regular bail in FIR No.218 dated 12.04.2014 registered under Sections 148, 149, 302, 452, 324, 323, 506, 307 and 326 IPC at Police Station Narnaund, District Hisar.

Heard learned counsel for the rival parties.

The petitioner-Pardeep @ Kala has been arrested on 20.08.2014. Thus the petitioner is in jail for about three years. The challan has been filed and the trial has commenced. However for the last one year six months only one witness has been examined.

As against this, learned counsel for the complainant has vehemently opposed the prayer for grant of bail on the ground that the petitioner may tamper with the prosecution witnesses.

I have perused the deposition of the injured/witness PW-1, who in her examination-in-chief itself named the petitioner as assailants.

Learned State counsel submits that there are other witnesses who are yet to be examined and they can also name the present petitioner. He further submits that the trial is not proceedings due to the application under Section 319 Cr.P.C. which also succeeded partly up to this Court.

Be that as it may, for the delay whatever the reasons are, the same cannot be attributed to the petitioner and the petitioner should be allowed the concession of bail pending trial, particularly when there is no other criminal antecedent against the petitioner. However, care will have to be taken to protect the interest of the prosecution witnesses as well as the prosecution.

In that view of the matter, learned Counsel for the petitioner makes statement on instructions from his client that the petitioner will not enter the limits of village Kheri Jalab till trial is completed. Learned Counsel for the petitioner further submits that the petitioner will not apply for modification of the order till the trial is completed. The statement is accepted.

In that view of the matter I make the following order:

ORDER

- (i) The CRL. MISC. No.M-9623 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall not enter the limits of village Kheri Jalab, Tehsil Hansi, District Hisar till the trial is completed

and also shall not apply for modification of this condition till the trial is concluded.

- (iv) The petitioner shall not tamper or influence the prosecution witness(es).
- (v) The prosecution shall make attempts to examine the remaining witnesses and complete the trial in any case within 5 months from today.
- (vi) The State will be at liberty to apply for cancellation of bail in case of any further commission of such type of offence by the petitioner.

26th APRIL, 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>