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

CRM-M-10245 of 2018

Date of decision: March 19, 2018

Ram Chander

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. Vivek Saini, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

This is the fourth petition for grant of regular bail to the petitioner, in FIR No.298 dated 02.08.2011, under Sections 148, 149, 302 of Indian Penal Code, 1860, registered at Police Station Sampla, District Rohtak.

Heard learned counsel for the rival parties.

Admittedly the FIR was lodged on 02.08.2011. Thereafter, the investigation was completed and admittedly, the petitioner was found innocent by the police. After long time, the trial Court has now summoned the petitioner as an additional accused in exercise of power under Section 319 of Code of Criminal Procedure Code, 1973, by order dated 29.08.2014. Thus, the said order was passed in the year 2014 and it is now the petitioner has been put in jail and the trial is still continuing. Now because of the said summoning order, the entire trial is to be held *de novo* and bound to take its own time. The petitioner

was arrested on 24.03.2015 and is in jail since then. Perusal of the record shows that the petitioner along with others had inflicted injuries by means of bricks and nothing more.

In the whole background of the case, I find that there is no point in keeping the petitioner in jail as under trial and further fact that the FIR is of the year 2011 cannot be forgotten.

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

ORDER

- (i) CRM-M-10245 of 2018 is allowed;
- (ii) The petitioner be released on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate;
- (iii) The petitioner shall not enter the limits of District Rohtak till the completion of the trial, save and except the dates of attendance before the trial Court in the present case;
- (iv) The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well;
- (v) The petitioner shall deposit his passport, if he possesses, with the trial Court;
- (vi) In case of violation of any of the above conditions, the liberty is reserved to apply for cancellation of bail.

(A.B. CHAUDHARI)
JUDGE

March 19, 2018

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No