

(1)

CRM-M-14351-2018 &
CRM-M-14658-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14351-2018

Date of Decision: 20th April, 2018

Rajender

...Petitioner

Versus

State of Haryana

...Respondent

(2)

CRM-M-14658-2018

Date of Decision: 20th April, 2018

Manjeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Apoorv Garg, DAG, Haryana.

Mr. Rakesh Dhiman, Advocate and
Mr. Abhimanyu Kalsy, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of CRM-M-14351-2018,
titled as 'Rajender Vs. State of Haryana' and CRM-M-14658-2018, titled as
'Manjeet Vs. State of Haryana'.

Petitioners have approached this Court for grant of regular bail
by filing separate petitions under Section 439 of the Code of Criminal

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Procedure, 1973, in FIR No.298, dated 02.08.2011, registered at Police Station Sampla, District Rohtak, under Sections 148, 149 and 302 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioners that the petitioners were arrested on 09.08.2011 and since then, they are in custody. He places reliance upon the orders passed by this Court in CRM-M-48153-2017, titled as 'Sonu @ Manoj Vs. State of Haryana', dated 22.12.2017, CRM-M-1259-2018, titled as 'Kaptan Vs. State of Haryana' dated 22.02.2018 and CRM-M-9245-2018, titled as 'Kuldeep Vs. State of Haryana', dated 20.03.2018 (Annexures P-6 to P-8 respectively), to contend that the petitioners are similarly placed as the ones who have been granted bail by this Court. Counsel contends that the only difference which have now come is after the passing of the order dated 20.03.2018 (Annexure P-8), out of the 21 prosecution witnesses to be examined by the prosecution, now 14 witnesses have been examined. He contends that the petitioners be granted the same concession keeping in view the fact that they have completed almost 6 years and 9 months in custody.

Counsel for the complainant has vehemently opposed the prayer for grant of regular bail by asserting that only 7 prosecution witnesses are left out to be examined out of which one Satbir is the one who is required to be examined. He contends that if the petitioners are granted the concession of regular bail, they may influence the trial and the said witness. His further contention is that various injuries have been found on the person of the deceased, which indicate the brutally and manner in which

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the offence was committed. Counsel for the State, on instructions from ASI Kaptan Singh, P.S. Sampla, District Rohtak, also supports the contentions of the counsel for the complainant and they pray that the concession of regular bail may not be granted to the petitioners.

I have considered the submissions made by the counsel for the parties and have gone through the orders passed by this Court on which reliance has been placed by the counsel for the petitioners.

Perusal of these orders would show that all the facts and circumstances have been taken note of and considered by this Court. Keeping in view the only change in circumstances with regard to the number of the prosecution witnesses left to be examined, this Court does not find any reason to deny the concession of bail as has been prayed by the petitioners. Applying the same ratio as in the orders referred to above, these petitions are allowed. Petitioners are directed to be released on bail on the following terms:-

- (i) The petitioners be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (ii) The petitioners 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.
- (iii) Petitioners shall not tamper, influence and threaten the prosecution witnesses and complainant as well.
- (iv) The petitioners to surrender their passports with the

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trial Court, if they possess the same.

(v) In case of violation of the above condition the liberty
is reserved to apply for cancellation of bail.

Any observation made herein-above shall have no bearing on
the merits of the case during the trial in any manner.

20th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No