

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

**CRL. MISC. No.M-9037 OF 2018**  
**DATE OF DECISION : 23<sup>rd</sup> MARCH, 2018**

**Vicky alias Manoj**

**.... Petitioner**

**Versus**

**State of Haryana**

**.... Respondent**

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

\* \* \* \*

Present : Mr. Aman Pal, Advocate the petitioner.

Mr. Raj Kumar Makkar, Sr. DAG Haryana.

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**A. B. CHAUDHARI, J. (ORAL)**

This is second petition under Section 439 Cr.P.C. for the grant of regular bail to the petitioner-Vicky alias Manoj in case FIR No.958 dated 01.12.2015 registered under Sections 148, 149, 302 & 506 IPC at Police Station Civil Lines Karnal, District Karnal.

Heard learned counsel for the rival parties.

The petitioner was arrested on 11.12.2015 and since then he is in custody as under trial.

Learned counsel for the petitioner has invited my attention to the order dated 06.02.2018 passed in CRM-M-No.42495 of 2017 filed by Rajesh who was granted regular bail. The reason appearing in the said order is that because of the proceedings under Section 319 Cr.P.C. in the pending trial and the stay granted by this Court, the trial is not progressing.

Learned counsel for the State submits that the stay has been vacated by this Court. However, that does not appear to be so from the perusal of the *zimini* order, which shows that the stay is upto 23.04.2018.

Learned counsel for the State submitted that along with others, the

petitioner is the main accused, who has caused the fatal injury on the head of the deceased by means of sword and therefore, he should not be enlarged on bail.

Perusal of the record shows that Rajesh was granted bail by this Court by the aforesaid order, having attributed exactly the same role as in the present petition. In that view of the matter, considering parity, I think the present petitioner deserves the same treatment. However, though the evidence of the material witnesses of the prosecution was not recorded, due to the proceedings under Section 319 Cr.P.C. and the stay granted by this Court, the trial has come to a halt. It is not known that when the trial would commence. There is, therefore, likelihood of Rajesh and Vicky @ Manoj trying to tamper with the prosecution evidence and in that case the prosecution would suffer for no fault of it but due to the proceedings under Section 319 Cr. P.C. At the same time the fact that the co-accused Rajesh was released by this Court on bail and further that the petitioner is in custody since 11.12.2015, cannot be ignored, keeping in mind the concept of speedy trial. It is seen from the record that this Court had initially quashed the order under Section 319 Cr. P. C. made by the trial Court vide order dated 29.08.2017 and with direction to the trial Court to pass a fresh order under Section 319 Cr.P.C. which has been again challenged in this Court. Thus the rigmarole may continue, but then balancing the interest of both sides, I make the following order:

**ORDER**

- (i) CRL. MISC. No.M-9037 OF 2018 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 District Karnal, save and except the date of hearing before the trial Court.

- (iv) The petitioner shall report to Police Station Pipli, District Kurukshetra every Sunday, Tuesday and Friday between 11.00am to 4.00pm. The police shall keep surveillance on the applicant-appellant.
- (v) At the same time the eye-witness/material witnesses shall be given protection by the police at Civil Lines, Karnal till the time the evidence of the eye-witness/material witnesses are recorded, including the cross-examination.
- (vi) The petitioner shall not apply for modification of the above condition till the trial is over.
- (vii) The petitioner shall not tamper or influence the prosecution witnesses.
- (viii) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.
- (ix) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (x) The State is directed to file application for addition of aforesaid conditions in the order dated 06.02.2018 passed in CRM-M-42495-2017 granting bail to Rajesh.

**23<sup>rd</sup> MARCH, 2018**  
'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> |