

201

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

CRM-M-4200 of 2019

Date of decision: February 22, 2019

Manjeet

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. Lovekirat S. Chahal, Advocate for the petitioner.

Mrs. Tanisha Peshawaria, DAG Haryana.

Mr. Rajeev Kaswan, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

This is the third petition for grant of regular bail to the petitioner, in FIR No.132 dated 17.08.2016, under Sections 148, 149, 323, 325, 341, 427, 506, 307, 201 of Indian Penal Code, 1860, registered at Police Station Bawal, Rewari.

Heard learned counsel for the rival parties.

It is not in dispute that the regular bail that was granted to the petitioner by an order dated 13.10.2017 passed in CRR No.3673 of 2017, in the FIR in question, was cancelled by this Court by an order dated 24.08.2018 with reasons. That order came under challenge before the Apex Court, but the Apex Court vide order dated 05.10.2018 declined to interfere with the order cancelling bail granted to the petitioner.

The present petition has been filed for grant of bail to the petitioner on the ground that now all the material witnesses have been examined except for the official witnesses. Obviously query was that what was the nature of evidence adduced against the accused. It is, however, seen that the main eye witnesses have turned hostile and have not supported the prosecution case against the present petitioner. Obviously, there is no evidence, *prima-facie*, to connect him as the witnesses have turned hostile.

Learned counsel for the complainant has vehemently argued and submitted that the witnesses turned hostile because of the conduct of the petitioner. Even assuming it is true, but the fact remains that the witnesses have been examined and have turned hostile. This Court cannot undo what has been done.

Learned Senior counsel for the petitioner has cited decision in the case of **The State through the Delhi Administration** versus **Sajay Gandhi**, 1978 AIR (SC) 961. The said decision may not be apt to the present circumstances.

Be that as it may. Looking to the fact that the trial is almost complete, but for the examination of official witnesses, there is no need to continue detention of the petitioner, namely, Manjeet, and he can be released on bail with certain conditions.

Learned Senior counsel for the petitioner makes a statement that looking to the apprehension expressed by the learned counsel for the complainant, the petitioner would not enter the district

Rewari save and except the dates of appearance before the trial Court.

The petitioner shall reside at House No.1, Gali No.4C, Ashok Vihar, Phase-III, Gurgaon (Haryana) and shall report to the concerned Police Station where he will reside, on every Sunday between 11:00 A.M. to 1:00 P.M.

In that view of the matter, following order is passed:-

ORDER

- (i) **CRM-M-4200 of 2019** is allowed;
- (ii) The petitioner shall be released on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate, subject to the condition that the petitioner shall not enter the limits of District Rewari till the completion of the trial, save and except the dates of appearance before the trial Court in the present case;
- (iii) The petitioner shall reside at House No.1, Gali No.4C, Ashok Vihar, Phase-III, Gurgaon (Haryana) as indicated by the learned counsel for the petitioner and shall report to the concerned Police Station where he will reside on every Sunday between 11:00 A.M. to 1:00 P.M.
- (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;
- (vii) The trial Court may consider award of compensation to the complainant while passing judgment/order.

(A.B. CHAUDHARI)
JUDGE

February 22, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No