

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 01.05.2019

1. CRM-M-37549-2017 (O&M)

Surender

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-26164-2017 (O&M)

Khazan Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lokesh Sharma, Advocate
for the petitioner (in CRM-M-37549-2017).

Mr. M.S. Kathuria, Advocate
for the petitioner (in CRM-M-26164-2017).

Mr. Himmat Singh, DAG, Haryana.

Mr. Hemant Bassi, Advocate and
Mr. Vivek Sheoran, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to the
petitioners, in FIR No.312 dated 27.07.2016 under Sections 148, 149, 323, 452,

302, 506 IPC, registered at Police Station Narnaund, District Hissar.

On 25.07.2018, both petitioners Surender and Khazan Singh were granted interim bail. The operative part of the order reads as under: -

“...Learned senior counsel for the petitioners submits that statement of aforesaid Sunil has already been recorded as PW3 and as per the statement, the petitioners have been attributed simple injuries. Learned senior counsel for the petitioners further submits that examination-in-chief of PW Sunita wife of deceased is complete, however, her cross-examination is yet to be conducted.

Learned State counsel, on instructions from SI Devender Singh and assisted by learned counsel for the complainant, submits that next date before the trial Court for cross-examination of aforesaid PW Sunita is 31.08.2018.

Considering the fact that the trial is moving at a very slow pace; petitioners were not named in the FIR and are in judicial custody since 16.09.2016; they are not involved in any other case and petitioner Khazan Singh is aged about 68 years, till the next date of hearing, both the petitioners are directed to be released on interim bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court, on the following conditions: -

- (i) They will appear before the trial Court on each and every date and the trial Court will not entertain any application for exemption and in such eventuality, the interim bail granted to the petitioners shall stand cancelled automatically.*

(ii) They will not try to influence any of the prosecution witness and will not enter the village, where the complainant/witnesses are residing and it will be open for the prosecution to move an application in case the petitioners are found misusing the concession of interim bail.”

Learned counsel for the petitioners have submitted that thereafter, statement of injured Sunil is also recorded and it is on the same lines as in other cases and nothing has come against the petitioners. It is further submitted that the petitioners remained on interim bail for considerable long time and they have not misused the concession of bail and there is no complaint on behalf of the complainant and the prosecution that the petitioners have misused the concession of bail.

Learned State counsel, on instructions from ASI Surjit Singh and assisted by learned counsel for the complainant, has not disputed the factual position.

In view of the above, both these petitions are allowed and the order dated 25.07.2018 passed by this Court, granting interim bail to the petitioners, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

01.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No