

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

CRM-M No.31485 of 2019

Date of decision: 13th November, 2019

Ram Niwas @ Niwasa

... Petitioner

Versus

Rajo & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sube S. Kaushik, Advocate for the petitioner.

Mr. C.R. Narwal, Advocate for respondent No.1.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for respondent No.2/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Ram Niwas alias Niwasa, who is facing trial in criminal complaint bearing No.RBT 325 dated 13.10.2015 titled as 'Rajo versus Ram Niwas @ Niwasa' under Sections 323, 452, 354, 354A, 356, 506 IPC and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and was on anticipatory bail and during the course of trial absented on 18.04.2019 and as a consequence of which on 07.05.2019 his bail order was cancelled, personal bonds and surety bonds were forfeited to the State and he was sent behind bars.

Learned counsel for the petitioner Mr. Sube S. Kaushik, Advocate inter alia contends that the petitioner has undergone incarceration for more than five months and twelve days, and that the petitioner undertakes to abide by the terms of bail in future.

Learned counsel for the complainant Mr. C.R.Narwal, Advocate along with learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from SI Dharam Pal, have strongly opposed the grant of bail on the grounds that the petitioner is trying to pressurize the witnesses and had been intimidating them thus, is not entitled to any relief.

Going through the submissions of the two sides, it was a single default by the petitioner which led to his incarceration. The stand of the opposing side that the petitioner had assaulted the witnesses and had been intimidating them, could not be substantiated by any documentary proof. In the light of period of incarceration, and the fact that the trial will take a long time to conclude, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jind. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 13, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No