

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-2849-2020

Date of Decision: 13.09.2022

Balbir @ Bali

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.K. Garg Narwana, Sr. Advocate, with
Mr. Vishal Garg Narwana, Advocate, and
Mr. Nitin Sachdeva, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J. (Oral)

Learned Senior counsel for the petitioner submits that for the first time the petitioner was granted interim bail on 20.04.2018 for a period of six months vide Annexure P-10 and thereafter, the interim bail was extended for one year vide order dated 01.02.2019 (Annexure P-11). After that, the petitioner has filed the present petition in this Court on 20.01.2020. Vide order dated 31.01.2020, this Court extended the interim bail in terms of order dated 01.02.2019, which reads as follows:-

“The petitioner seeks bail under Section 439 of the Code of Criminal Procedure in FIR No.141 dated 06.05.2011, registered under Sections 114, 323, 325, 302, 307, 109 and 148 read with Section 149 IPC and Section 25 of the Arms Act, 1959, at P.S. Kalanaur, District Rohtak.

Heard.

Considering the nature of offence and the role attributed to the petitioner, no case for grant of regular bail is made out.

However, vide order dated 20.04.2018, passed in CRM-M-42464-2017, the petitioner was granted interim bail for a period of six months from the date of his release. Learned counsel contends that the petitioner is more than 77 years of age and is suffering from various

age-related ailments.

Vide order dated 24.01.2019, the State was directed to file a specific affidavit reflecting therein whether the bail was ever misused by the petitioner. In compliance thereof affidavit of the DSP, Rohtak, dated 29.01.2019, has been filed in the Court wherein, it has been stated that the petitioner did not misuse the concession of interim bail granted vide order dated 20.04.2018.

Considering the above, this Court is inclined to release the petitioner on interim bail for a period of one year subject to the conditions as reflected in order dated 20.04.2018, passed in CRM-M-42464-2017 (Annexure P-8). The date of release and surrender shall be indicated by the competent releasing Court.

Disposed of in the above terms.”

After that, this order is continued till date. During interregnum, there is no allegation that the petitioner has tempered with the evidence or hampered the investigation or in any manner, influence the witnesses or investigator. Though the offence is under section 302 IPC, but considering the fact that the order of interim bail was never challenged by the State till date, there would be absolutely no justification to recall the order after four years. Consequently, the present petition is allowed. The interim order 31.01.2020 is made absolute, subject to the following conditions:-

- (i) Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.
- (ii) Till the completion of the trial, the petitioner shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home.
- (iii) Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and the residence of the victim and shall also not enter within a radius of five-hundred meters from the

victim's home till the recording of the statements of all non-official and informal witnesses in the trial. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458); and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

It is clarified that in case, the petitioner violates any of the above said conditions, the complainant may file an application for cancellation of bail and the State shall also file an application.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

All pending applications, if any, stand disposed of.

13.09.2022
monika

(Anoop Chitkara)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No