

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

Decided on: 14.09.2022

...Petitioners

Versus

...Respondents

Present: Mr. Manpreet Singh, Advocate for the petitioners.

Mr. H.S. Sitta, DAG, Punjab.

Mr. Amandeep Singh Manaise, Advocate for the complainant.

* * * *

ANOOP CHITKARA, J.

Complaint Case No.	Dated	Police Station	Sections
COMI-41-2022	02.03.2022	Civil Lines Batala, Distt. Gurdaspur	307, 336, 341, 323, 427 & 34 IPC and Section 25/27/54/59 of Arms Act

1. The petitioners, apprehending their arrest in the complaint captioned above, came up before this Court under Section 438 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. Vide order dated 27.05.2022, the petitioners were granted interim bail by the Co-ordinate Bench of this Court.
3. Learned counsel for the petitioners submits that the order dated 27.05.2022 has been complied with and a sum of Rs.1.5 lacs has also been handed over to the complainant.
4. Learned counsel for the complainant does not dispute the contention made by counsel for the petitioners but opposes the bail.
5. Given above, interim order dated 27.05.2022 is made absolute, subject to the following conditions:-

(i) Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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 petitioners 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 petitioners 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 petitioners 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 petitioners violate any of the above said conditions, the complainant may file an application for cancellation of bail and the State shall also file an application. It is further clarified that the amount which the petitioners have graciously given to the complainant and even if the prosecution is dismissed, the petitioners shall have no right to claim it back.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioners 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.

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)
JUDGE**

14.09.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.