

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51321-2021 (O&M)
Reserved on: 07.04.2022
Pronounced on: 18.04.2022

Kosar ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. T.P.S. Bawa, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Saurav Bhatia, Advocate for respondent No. 2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
222	09.08.2021	Sadar Tauru, District Nuh	148, 149, 323, 325, 506 (307 IPC added later on)

1. The complainant, who is the victim's wife, has come up before this Court under Section 439 (II) Cr.P.C seeking cancellation of anticipatory bail granted to the second respondent.

2. The complainant has submitted that the injured (her husband) had to undergo very expensive treatment at Medanta hospital and is still not fully recovered. The complainant's another contention is that there is non-consideration of crucial factors while granting bail. Ld. counsel for the complainant further argued that there is apprehension of threat from the accused.

3. I have gone through the impugned order, which is detailed, well-reasoned and calls for no interference. However, given the possible threat perception, the order granting bail shall be read with following additional conditions to be strictly complied with by the accused/ respondent Arshad.

a). **Accused Arshad shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.**

b). **Given the nature of allegations and the other circumstances peculiar to this case, the accused Arshad shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned**

authority within ten days from today 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.

c). 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.

d). 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 one kilometer 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.

4. If the accused/Arshad finds bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioner may file a reasoned application before this Court or even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

5. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

6. If the petitioner/victim notice any violation of this order, they may inform the SHO of the concerned police station, the trial court, or even this court, and the bail might be cancelled on this ground alone.

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

(ANOOP CHITKARA)
JUDGE

18.04.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.