

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

263/A

CRM-M-53144-2021

Date of Decision: 29.03.2022

Ram Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Mittal, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA J. (ORAL)

Learned counsel for the petitioner submits that in compliance to the order dated 20.12.2021, the petitioner has joined the investigation.

On instructions received from ASI Govind Dass, learned State counsel does not dispute the contention made by counsel for the petitioner and submits that the petitioner is not required for custodial investigation.

Given above, petition is allowed and order dated 20.12.2021 is made absolute, subject to the following conditions:-

1. Petitioner 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, he shall be entitled to renew and take it back in case of acquittal in this case.
2. Given the nature of allegations and the other circumstances peculiar to this case, the petitioner shall 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 (CrL.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

**(ANOOP CHITKARA)
JUDGE**

29.03.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No