

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

237

CRM-M-17883-2022

Date of Decision: 13.01.2023

Amarjeet Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jayender S. Chandail, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Sulakhan Singh, Advocate
for respondents No.4 & 5.

ANOOP CHITKARA, J.

Seeking cancellation of bail on the ground that prima facie there were six witnesses and *lathi* blows were inflicted all over the body of the deceased including the chest and despite that the matter was converted into 304 IPC and the accused were released on bail, the complainant (petitioner herein) has come up before this Court.

Counsel for the accused submits that during the period of bail they have not misused or violated any of the conditions and he would not be opposing if any other condition is also imposed upon the accused apart from the conditions mentioned in the order dated 01.04.2022, vide which the accused was granted bail by the learned Sessions Judge, Panchkula.

In the entirety of facts and circumstances, since one opinion had come that it was a case of culpable homicide not of murder, it would not be appropriate to cancel the bail, however stringent conditions can be imposed.

This Court is aware that some of the accused are police officials but despite that to protect the complainant's family members, the following conditions are added in the order dated 01.04.2022 (Annexure P-2), vide which bail was granted to the respondents No.4 & 5, :-

- (i) Given the nature of the allegations and the other circumstances peculiar to this case, the accused shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen 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, provided otherwise permissible in the concerned rules.
- (ii) Given the nature of the allegations and the other circumstances peculiar to this case, the accused shall not enter the property, workplace, and the residence of the victim and shall also not enter within a radius of 100 meter 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.
- (iii) Till the completion of the trial, the accused 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.

It is clarified that the observations made by this Court shall have no bearing on the petition pending against the framing of charges or while deciding the trial.

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.

Petition is allowed to the extent mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.01.2023
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no