

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25941 of 2015

Date of decision: October 05, 2015

Vishwamittar and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA**Present:** Mr. S.S. Sahu, Advocate
for the petitioners.

Ms. Mahima, AAG Haryana.

Mr. Akash, Advocate for
Mr. Jitender Dhanda, Advocate
for the complainant.**SABINA, J**

Petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.530 dated 27.08.2014, under Sections 323, 307, 302, 34 of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Fatehabad, District Fatehabad.

While issuing notice of motion, following order was passed by this Court on 06.08.2015:-

“Learned counsel for the petitioners submit that petitioners were found innocent during the course of investigation. They have been summoned under Section 319 Cr.P.C. Since the order of summoning has been passed by Additional Sessions Judge, Fatehabad, therefore, no application for grant of anticipatory bail was moved before the Court of Sessions as powers under Section 438 Cr.P.C are concurrent in nature. Learned counsel further states that challan was presented against Krishan, Satbveer and Roshani Devi and the accusation was brought down to the

culpability of aforesaid three persons. Roshani Devi has already been granted regular bail. The alleged part attributed to the petitioners is that they fired gun shots towards Sandeep but shots did not hit him. Rather, the gun shot fired by Krishan hit in the chest of Sandeep.

Notice of motion for 05.10.2015.

At this stage, Mr. Jitender Dhanda, Advocate appeared on behalf of complainant and argued the case to some extent.

Petitioners are directed to appear before the trial Court on 17.08.2015 and in the event of their appearance, trial Court shall admit them on interim bail subject to its satisfaction. However, petitioners shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners has submitted that in pursuance to the above order, petitioners have surrendered before the trial Court on 17.08.2015 and have furnished the necessary bail bonds.

Accordingly, the interim bail furnished by the petitioners, before the trial Court, in pursuance to the order dated 06.08.2015 passed by this Court, is made absolute.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

October 05, 2015
mahavir