

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

CRM-M-31282 of 2015

Date of decision: September 24, 2015

Mohit Parmar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vibhor Bansal, Advocate
for the petitioner.

Mr. Sanjay Kumar, AAG, Haryana.

Mr. Aftab Singh, Advocate for the informant.

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Mohit Parmar, who has been booked for having committed the offence punishable under Section 308, IPC, in a case arising out of FIR No. 36, dated 19.02.2015, registered at Police Station, Sector 14, Panchkula.

Learned counsel contends that initially the FIR was registered for offences punishable under Sections 279 and 337, IPC; the petitioner was arrested on 20.03.2015 and granted bail by the police on the same

day; to aggravate the offence, Section 308, IPC, has been added at the advice of the Public Prosecutor, after about five months of the registration of the case and grant of bail to the petitioner; the petitioner was re-arrested on 9.8.2015 and since then, he is behind the bars.

Learned counsel for the State, has not controverted the factual aspects raised by learned counsel for the petitioner. However, he submits that the petitioner is required in three more cases and as such, he should not be granted bail.

Learned counsel for the informant-complainant has also opposed the grant of bail.

After hearing learned counsel for the parties, this Court finds that the petitioner was re-arrested on 9.8.2015 and thereafter, the investigation is complete; the maximum sentence prescribed for offence punishable under Section 308, IPC is rigorous imprisonment for seven years ; that initially the case was registered for offences punishable under Sections 279 and 337, IPC, in which the petitioner was arrested and granted bail, and that the applicability of Section 308, IPC, would be a moot point during trial and as such, the present petition is accepted. The petitioner, Mohit Parmar, son of Balak Ram, resident of Village Behlon, Tehsil and District Panchkula, is directed to be released on bail during the pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panchkula.

(NARESH KUMAR SANGHI)
JUDGE

September 24, 2015

Poonam (II)