

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

CRM-M-32969 of 2015.

Decided on:-11.12.2015.

Rohtash.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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

Present:- Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Ms. Sangeeta Yadav, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J.

Petitioner Rohtash son of Fusa Ram has filed the present petition under Section 439(2) Cr.P.C. for cancellation of bail granted to respondents No.2 and 3, namely, Raja Ram and Krishan by learned Additional Sessions Judge, Narnaul.

Vide impugned order dated 22.7.2015, the respondents No.2 and 3 were granted bail by learned Additional Sessions Judge in case FIR No.50 dated 9.2.2015 under Sections 148, 149, 323, 325, 307, 452 and 506 IPC registered at Police Station Nangal Chaudhary, District Mahendergarh.

Learned counsel for the petitioner has contended that respondents No.2 and 3 have been granted bail by learned Additional Sessions Judge without appreciating the fact. They have caused injury to the complainant. The bail has been granted even before the presentation of challan. Therefore, their bail is liable to be cancelled. The petitioner remained admitted in hospital and is still taking treatment, but this fact has not been considered by learned Additional Sessions Judge.

I have heard learned counsel for the parties.

The grant of bail is always a discretionary relief. However, such discretion is required to be used in judicious manner. The trial Court vide order dated 22.6.2015 has granted bail to another co-accused, namely, Chhote Lal and it is on the strength of said order, respondents No.2 and 3 were admitted on bail. However, the petitioner has not opted to seek cancellation of bail granted to other co-accused, namely, Chhote Lal, who has allegedly attributed similar injury. The plea of the petitioner that the bail has been granted to the respondents-accused before presentation of the challan, cannot be accepted as there is no bar to admit an accused on bail during investigation.

In view of the above, this Court finds no reason to interfere with the impugned order dated 22.7.2015 passed by learned Additional Sessions Judge, Narnaul. As such, affirming the same, the instant petition, being without any merit, is dismissed.

December 11, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE