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

**CRM-3967 of 2015 in/and
CRM-M-42846 of 2014
Date of Decision: 6.2.2015**

Rajesh

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jatin Hans , Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. Manoj Kaushik, Advocate
for respondents No. 2 to 10.

Kuldip Singh J.(Oral)

This petition has been filed under Section 439(2) of Cr.P.C. for cancellation of the anticipatory bail granted to private respondents No.2 to 10 by learned Additional Sessions Judge, Bhiwani vide order dated 18.11.2014.

Reply on behalf of respondent No. 2 has been filed through CRM No.3967 of 2015. Reply by State has also been filed, same are taken on record.

It comes out that the private respondents were initially arrested on 8.9.2014 for the offences punishable under Sections 323, 324, 147 and 148 IPC. They were granted regular bail by learned Additional Chief Judicial Magistrate, Bhiwani vide order dated 10.09.2014. Thereafter, medical opinion of doctor was received in which injury No.1 has been declared as dangerous to life. Thereafter, Section 307 IPC was added.

Private respondents moved an application for grant of anticipatory bail for the newly added offence, which was allowed by the impugned order dated 18.11.2014, passed by Additional Sessions Judge, Bhiwani.

Learned counsel for the private respondents have argued that according to the opinion of the Doctor injury No.1 is sharp and grievous in nature and on 2.9.2014 surgical intervention was also done and in view of the surgery done, injury No.1 was declared dangerous to life. It has been argued that it is a debatable opinion. The petitioners have already remained in custody and have been thoroughly interrogated and therefore, their further custody would not serve any purpose. Learned counsel for the petitioner on the other hand has argued that injury was on the head and is dangerous to life, therefore, the bail granted to the petitioner should be cancelled.

After going through the file, I am of the view that in this case accused was initially arrested on 8.9.2014 and granted regular bail. Thereafter, the medical opinion came and in view of the medical opinion new offence under Section 307 IPC was added. The fact that the accused was arrested, interrogated and released on regular bail shows that further interrogation is not required.

It being so no fault can be found with the impugned order.

Accordingly, petition stands dismissed.

(KULDIP SINGH)
JUDGE

6.2.2015
Ishant