

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-9316 of 2014

Date of Decision: 6.5.2015

Dharam Pal Verma

... Petitioner(s)

Versus

Union Territory, Chandigarh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Vijay Lath, Advocate
for the petitioner(s).

Mr. Sukant Gupta, Additional Public Prosecutor
for the respondent.

Darshan Singh, J.

1. The present petition has been filed by the petitioner, namely Dharam Pal Verma under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking anticipatory bail in case FIR No.223 dated 28.5.2001, registered under Sections 323, 324, 326, 506 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Sector 39, Chandigarh.

2. Learned counsel for the petitioner has placed on record the copy of the order dated 25.9.2014 passed by the learned Judicial Magistrate Ist Class, Union Territory, Chandigarh, which shows that the petitioner has already appeared before the trial Court and has been admitted to bail in compliance of the order dated 15.9.2014 passed by this Court. Thus, the petitioner has already joined the proceedings before the trial Court.

3. The petitioner was acquitted by the trial Court on the basis of compounding of the offences. The State (Union Territory, Chandigarh) preferred an appeal against the order dated 3.9.2012 passed by the learned Judicial Magistrate, Chandigarh on the ground that the offences punishable under Sections 326 & 506 IPC were non-compoundable and the trial Court has no jurisdiction to acquit the petitioner by compounding the offences. The said appeal was allowed by learned Additional Sessions Judge, Chandigarh vide order dated 27.2.2013 and the case was remanded to the trial Court to proceed in accordance with law. The copy of order dated 25.9.2014 passed by the trial Court shows that the petitioner has already joined the proceedings and his detention is not required for any purpose.

3. Consequently, the present petition is hereby allowed. The order dated 15.9.2014, passed by this Court, granting interim pre-arrest bail to the petitioner is hereby made absolute. However, the petitioner shall abide by the conditions as specified under Section 438 (2) Cr.P.C.

(Darshan Singh)
Judge

May 6, 2015

“DK”