

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-14636 of 2014

.....

Date of decision:30.8.2016

Almuddin

...Petitioner

v.

State of Haryana and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vishal Sharma, Advocate for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana for
the respondent-State.

Mr. N.S. Shekhawat, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 439(2) Cr.P.C. for
cancellation of regular bail granted to respondent No.2 by learned
Additional Sessions Judge, Palwal, vide order dated 20.9.2013 passed in
case FIR No.114 dated 18.4.2013 registered for the offences under Sections
302, 148, 149 and 120-B IPC at Police Station Hathin, District Palwal.

Notice of motion has been issued in this case.

Mr. Vikramjit Singh, learned Additional Advocate General,
Haryana has put in appearance on behalf of the respondent-State and Mr.
N.S. Shekhawat, learned Advocate has appeared for respondent No.2 and
contested this petition.

I have heard learned counsel for the petitioner as well as
learned Additional Advocate General, Haryana and learned counsel for

respondent No.2 and have gone through the record.

From the record, I find that Saddiq filed application under Section 439 Cr.P.C. for grant of regular bail. The learned Additional Sessions Judge, Palwal, discussed the facts and circumstances of the case and found that only three injuries were found on the dead body of deceased. Two of them were linear abrasions on the fingers and third was diffused swelling over right side parietal temporal region. The doctor gave the cause of death in this case as ischaemic heart disease induced by the head injury. Otherwise also, the Court discussed the fact that 16 persons were named in the FIR. Only minor injuries were shown on the dead body of the deceased.

A perusal of the order shows that no illegality has been committed by the Court while granting the benefit of regular bail. Grant of bail is discretionary. In the facts and circumstances of the case, I find that the learned Additional Sessions Judge has used the discretion judiciously and correctly. Now the trial is complete and the case has been fixed for defence witnesses and arguments. The bail was granted in the year 2013. There is nothing on record that the petitioner has misused the concession of bail. Therefore, no ground is made out for cancellation of bail.

From the above, I find no merit in this petition and the same is dismissed.

August 30, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No