

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

CRM-M-16226 of 2016.
Decided on:-11.05.2016.

Sukhpal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

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

Present:- Mr. Yash Dev Kaushik, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 read with Section 482 Cr.P.C. is for setting aside the order dated 3.5.2016 passed by learned Additional Sessions Judge, Faridabad whereby the application filed by the petitioner for modification of order dated 27.4.2016 passed by the said Court was dismissed.

Learned counsel for the petitioner contends that on the basis of complaint made by Rajesh Kumar son of Dharambir Singh, resident of village Kaurali, Tehsil Ballabgarh, District Faridabad, the FIR No.128 dated

1.3.2016 under Sections 448 and 506 IPC was registered at Police Station City Ballabgarh, District Faridabad. The petitioner had approached learned Additional Sessions Judge, Faridabad for anticipatory bail whereby learned Additional Sessions Judge admitted him on anticipatory bail vide order dated 27.4.2016. However, contention of the counsel for the applicant-petitioner was recorded that he will not dispossess the complainant without due process of law. Thereafter, the petitioner moved an application for modification of said order for removing the line in para No.3 of said order wherein it was mentioned that, “applicant is ready to give an undertaking that he will not dispossess the complainant Rajesh Kumar from the shop, without due process of law”.

Learned counsel for the petitioner has further contended that prayer of the applicant-petitioner was declined by learned Additional Sessions Judge without any cogent reason and has prayed for setting aside of the impugned order dated 3.5.2016 passed by learned Court below.

I have heard learned counsel for the petitioner.

The petitioner was admitted on anticipatory bail after recording an undertaking made by his counsel before the Court below. Now, when he has availed the relief of anticipatory bail, he cannot be allowed to retract from his statement. Once the counsel for the applicant-petitioner has made such statement before the Court, it deemed to have been the statement of his client and, therefore, there is no illegality in the impugned order dated

3.5.2016 passed by learned Additional Sessions Judge, Faridabad.

As such, this Court does not find any merit in the present petition and the same is, accordingly, dismissed.

May 11, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE