

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-24703 of 2016 (O&M)

Date of Decision: July 23, 2016

Anup

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Dinarpur, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.216 dated 25.05.2016 under Section 346 IPC, registered at Police Station Sadar Hansi, District Hisar.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that offence under Section 346 IPC is a bailable offence and anticipatory bail application is not maintainable. As the offence is bailable, therefore, there is no apprehension to the petitioner of being arrested. Section 438 Cr.P.C. states that “where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail.....”.

Learned counsel for the petitioner brought to the notice of this Court that learned Addl. Sessions Judge, Hisar has dismissed the anticipatory bail application on merits. In my view, learned Addl. Sessions Judge, Hisar was not supposed to dismiss the application on merits, it being not maintainable as the offence being bailable.

In view of the above discussion, the present petition is dismissed being not maintainable, as the offence under Section 346 IPC is a bailable offence.

July 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE