

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

CRM No.M-7591 of 2016 (O&M)

Date of Decision : 26.05.2016

Ombir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ashwani Bhardwaj, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.15 dated 27.01.2015, under Sections 323/307 IPC, registered at Police Station Satnali, District Mahendergarh.

On 03.03.2016, while issuing notice of motion, the following order was passed by this Court:

“Present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.15 dated 27.01.2015, under Sections 323/307 of Indian Penal Code, registered at Police Station Satnali, District Mahendergarh.

Counsel would contend that during the course of investigation, the present petitioner was found innocent and as such his name was kept in column No.2 in the final report submitted under Section 173 Cr.P.C. Thereafter, an application under Section 319 Cr.P.C. was filed and which was dismissed by the trial Court on 28.07.2015. Upon a revision petition having been preferred i.e. CRR No.3248 of 2015, this Court had allowed the same on 15.12.2015 and thereby the present petitioner has been directed to face trial as

an additional accused.

It is the contention raised by the counsel that the injury that has attracted offence under Section 307 IPC and suffered by Jagmal has been attributed not to the present petitioner but to co-accused Raj Kumar @ Raju. It is further submitted that petitioner otherwise is ready and willing to join trial proceedings.

Notice of motion, returnable for 26.05.2016.

In the meanwhile, it is directed that in case the petitioner duly appears before the trial Court on the date already fixed i.e. 05.03.2016, he would be entitled to interim bail subject to satisfaction of the trial Court.”

Learned State counsel upon instructions from HC Pawan Kumar would inform the Court that the petitioner had appeared before the trial Court on 05.03.2016 and had been admitted to interim bail upon furnishing requisite bail bonds.

The petitioner having already joined trial proceedings, the prayer made in the present petition is accepted.

Petition is allowed. Order dated 03.03.2016 passed by this Court is made absolute.

Disposed of.

26.05.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**