

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-13423 of 2017
Date of Decision: April 27, 2017

Govinda and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. R.S. Mamli, Advocate, for the petitioners.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana

Amol Rattan Singh, J. (Oral)

Mr. Mamli, learned counsel for the petitioners, submits that the prime accused in the case, i.e. Rajesh, has already been admitted to bail upon an application filed under Section 439 Cr.P.C, as have 3/4 other co-accused. Mr. Mamli also submits that no injury has been caused to anybody in the incident.

Having considered the aforesaid argument, the fact is that this petition has been filed under Section 438 Cr.P.C. and not under Section 439 Cr.P.C.

The petitioners had been admitted to interim bail on 21.04.2017 when notice was issued.

Learned counsel for the State, on instructions, submits that the petitioners are similarly placed as one Sunny, whose petition, i.e. CRM-M-11772-2017, has been dismissed yesterday (26.04.2017), because the said person was seen to be present in the CCTV footage along with his co-

accused, carrying brick bats.

Mr. Tiwari further submits that the petitioners in the present case are also visible in the CCTV footage and have been identified.

Keeping in view the above, I do not see any reason to continue with the interim order dated 21.04.2017 in favour of the petitioners.

Consequently, this petition is dismissed and the interim order dated 21.04.2017 is vacated.

However, in case the petitioners move an application under Section 439 Cr.P.C. before the trial Court, that would be considered and decided by the trial Court on its own merits, as expeditiously as possible.

April 27, 2017
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(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no