

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

CRM No.M-18630 of 2017 (O&M)

Date of decision: October 11, 2017

Ikrar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Pankaj Mahavir Chauhan, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

Mr. Sherry K.Singla, Advocate
for respondents No.2 and 3.

INDERJIT SINGH, J.

CRM No.32242 of 2017

CRM is allowed and reply filed on behalf of respondents No.2 and 3 is taken on record, subject to all just exceptions. Copy has been supplied.

CRM No.M-18630 of 2017

Petitioner-Ikrar has filed this petition under Section 439(2) of Code of Criminal Procedure for cancellation of anticipatory bail granted to respondents No.2 and 3 by the learned Addl. Sessions Judge, Yamunagar at Jagadhari, vide order dated 18.04.2017, in case FIR No.246 dated 18.11.2016, registered at Police Station Sadar Yamunanagar, District Yamunanagar, under Sections 148, 149, 323, 325, 427, 506 and 307 of the Indian Penal Code.

Notice of motion was issued in this case. Mr. B.S.Virk, Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Sherry K.Singla, Advocate has put in appearance on behalf of respondents No.2 and 3 and contested this petition.

It has been brought to my notice that the challan has already been presented and the case has already been committed to the Court of Session and charges in this case have already been framed. It has also been brought to my notice that after granting the anticipatory bail, the respondents No.2 and 3 surrendered before the Magistrate and thereafter, they were admitted to regular bail. Learned counsel for the petitioner argued only on one point that it is a case under Section 307 of the Indian Penal Code and the ld. Addl. Sessions Judge has granted the bail without discussing the material.

I have heard learned counsel for the parties as well as learned State counsel and have gone through through the record.

From the record, I find that it is a case of version and cross-version. The bail has been granted to respondents No.2 and 3 in cross-version case. Moreover, perusal of impugned order shows that the accused/respondents No.2 and 3 have joined the investigation and it is specifically stated before the ld. Addl. Sessions Judge by the Investigating Officer as well as ld. State counsel that private respondents are no longer required for custodial investigation nor anything is to be recovered from them. Accordingly, the ld. Addl. Sessions Judge, made the order granting interim bail to the accused/respondents No.2 and 3 absolute. Moreover, learned counsel for the petitioner has nowhere stated that the benefit of anticipatory bail or regular bail has ever been misused by the private respondents or even

they have ever tried to threaten the witness or temper with the evidence etc.
Ld. Addl. Sessions Judge has used his discretion while granting the benefit of anticipatory bail.

Keeping in view the facts and circumstances of the present case and the fact that the private respondents have to face the trial and they are not required for investigation purposes as the charges have already been framed and further the trial Court has yet to decide as to who is the aggressor party on the basis of evidence, therefore, no useful purpose will be served by cancelling the bail and sending the private respondents to custody.

Therefore, finding no merit in the instant petition, the same is dismissed.

October 11, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No