

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 43164 of 2017 (O&M)

Date of decision : 21.12.2017

...

Sunder and another

.....Petitioners

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ashit Malik, Advocate for the petitioners

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

Mr. Deepender Singh, Advocate for the respondent No.2.

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H. S. Madaan, J. (Oral)

Mr. Deepender Singh, Advocate, has appeared on behalf of
respondent No.2, by filing vaklatnama, which be taken on record.

Learned counsel for the petitioners has contended that
petitioners have since appeared in the trial Court and have been
released on bail vide order dated 7.12.2017, passed by the Additional
Sessions Judge-1, Palwal. He prays that the interim bail granted to the
petitioners be made absolute.

While admitting this fact that petitioners have put in appearance before the trial Court, learned counsel for the complainant opposes the request stating that the allegations against the petitioners are quite grave and serious and as such they are not entitled to the discretionary relief of pre-arrest bail.

However, keeping in view the fact that as a result of investigation after registration of the FIR, petitioners had been found innocent and were not challaned and they had been summoned by the trial Court on an application filed under Section 319 Cr.P.C., which though dismissed by the trial Court, had been allowed in view of the order passed by this Court, I am of the view that guilt of the petitioners shall be determined during the trial, the conclusion of which is likely to take some time. The detention of petitioners during that period would not serve any purpose, as such interim bail granted to the petitioners vide order dated 16.11.2017, is made absolute, subject to subject to fulfillment of conditions envisaged under Section 438(2) Cr.P.C.

The petition in that way is allowed.

(H.S. Madaan)
Judge

21.12.2017

chugh

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No