

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-46708 of 2017

Date of Decision: 13.12.2017

Dharam Pal & others

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Hemant Bassi, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners in case FIR No.0526 dated 27.06.2016 under Sections 307/323/325/148/149/285 IPC and Sections 25 and 27 Arms Act registered at Police Station Hisar Sadar, District Hisar.

Learned counsel for the petitioners states that initially, the FIR was registered for the aforesaid offences but later on, during the course of investigation, no case under Section 307 IPC was found against the petitioners and therefore, the said offence was deleted. After deletion of offence under Section 307 IPC, the petitioners were admitted on regular bail. However, thereafter, the complainant moved an application under

Section 209 CrPC read with Section 323 CrPC pleading therein that the

offence for which the FIR in question was registered is required to be tried by the Court of Sessions, which necessitated the petitioners to be taken into custody. Learned counsel for the petitioners has argued that since the petitioners were already on bail, mere filing of application under Section 209 CrPC read with Section 323 CrPC by the complainant and thereby, committal of case to the Court of Sessions is no ground to cancel the bail granted to the petitioners when offence under Section 307 IPC was deleted.

Learned State counsel has no serious objection to the contentions raised on behalf of the petitioners.

Having heard learned counsel for the parties and considering the fact that the petitioners were already on bail and it is only on account of committal of the case to the Court Sessions, on an application moved by the complainant, the petitioners have been taken into custody, I deem it appropriate to release the petitioners on regular bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

December 13, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No