

CRM-M-9567-2017

[1]

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

(Sr. No.220)

CRM-M-9567-2017

Date of Decision:-March 24, 2017

Sunil

.....Petitioner

V/S

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Dr. Anmol Rattan Sidhu, Senior Advocate  
with Mr. Pratham Sethi, Advocate,  
for the petitioner.

Mr. Chetan Sharma, Assistant A.G. Haryana.

**A.B. Chaudhari, J.** (Oral)

Heard learned counsel for the rival parties.

In FIR No.180 dated 12.06.2016 registered under Sections 148, 149, 323, 324, 325, 506 and 307 of Indian Penal Code, 1860 (Section 302 of IPC was added lateron) at Police Station Sadar Panipat, District Panipat, the petitioner was arrested on 10.08.2016 and is in jail since then.

Learned counsel for the petitioner submits that the challan has been filed. It is not in dispute that after filing of the challan, the police found the petitioner in the category of 'innocent' and accordingly submitted the report. The report was, however, rejected by the learned Sessions Court on the ground that the further investigation was without permission from the Magistrate. That is not the correct position of law as understood by the learned Sessions Court, as no such permission is contemplated in law as stated by learned Additional Sessions Judge. The reading of Section 173(8)

itself shows that there is no such requirement that the permission of Magistrate is to be required for further investigation. In the case of *Vinay Tiyaagi Vs Irshad Ali @ Deepak 2013(2) RCR (Criminal) 197, Hon'ble Supreme Court* what has been held is that, it has been practice in vogue to obtain permission, but the same is not a sine qua non.

In that view of the matter, the petitioner-Sunil would be entitled to grant of bail in the light of the further investigation that was carried out. In the result, bail petition is allowed. The petitioner-Sunil is ordered to be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

**March 24, 2017**

Pankaj

**(A.B. Chaudhari)**  
**Judge**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No