

**103+224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.23635 of 2018(O&M)
DATE OF DECISION:01.10.2018

Ramjan

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Rosi, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

This petition has been filed by petitioner Ramjan for addition of Section 326 IPC along with other sections for the purpose of granting anticipatory bail in case FIR No.147 dated 14.03.2018 registered under Sections 323, 324, 506 read with Section 34 IPC at Police Station Nuh.

Learned State counsel submits that Section 326 IPC has not been mentioned in the petition. Petitioner was granted interim protection vide order dated 29.05.2018. On the next date of hearing i.e. 20.07.2018 it was also pointed out by learned State counsel that Section 326 is also there in the FIR but same has not been mentioned in the petition.

Learned counsel for the petitioner submits that Section 326 IPC has been added subsequently and it was not in the knowledge of the petitioner whereas learned State counsel submits that Section 326 IPC has been added on 29.03.2018 whereas notice of motion was issued on 29.05.2018. Meaning thereby when interim protection was granted and

notice of motion was issued, said section was there in the FIR but after long delay, an application has now been moved for addition of this section.

No interim order can be passed by adding Section 326 IPC without making specific prayer of bail. It appears that petitioner has concealed the material fact when Section 326 IPC was already there at the time of filing of this petition. Non mentioning of Section 326 IPC is an intentional concealment and the petitioner does not deserve concession of anticipatory bail. However, the petitioner is at liberty to file separate petition for bail for offence under Section 326 IPC.

Dismissed.

01.10.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No