

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-3533 of 2017
Date of Decision: 26.10.2018

Anup Sharma

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present:- Mr. Manoj K. Tanwar, Advocate
for the petitioner (s).

Mr. Anmol Malik, AAG, Haryana.

Mr. Sanjay Vashisth, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439(2) of the Code of Criminal Procedure, 1973 is for setting aside the order dated 23.11.2016 (Annexure P-1) vide which respondent no.2 has been granted the concession of bail by learned Additional Sessions Judge-I, Bhiwani in case FIR No.597 dated 16.09.2016 under Sections 306, 34 IPC registered at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for petitioner refers to order dated 14.3.2017 passed by Principal Magistrate, Juvenile Justice Board, Bhiwani, whereby it has been held that respondent no.2-Harish was not a child in conflict with law on the date of occurrence, rather he was an adult on that date. He

further submits that though respondent no.2 has filed an appeal against the

said order dated 14.03.2017 passed by the Principal Magistrate, Juvenile Justice Board, Bhiwani but the same was also dismissed vide order dated 07.07.2017 passed by learned Additional Sessions Judge-I, Bhiwani. In this manner, respondent no.2 is no more a juvenile.

Now, since the trial is pending before learned Additional Sessions Judge, the petitioner seeks withdrawal of the present petition with liberty to file an appropriate application before the trial Court for the relief claimed in the present petition.

Dismissed as withdrawn with liberty aforesaid.

October 26, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No