

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43823-2017(O&M)

Date of Decision: 30.01.2018

Mohan Lal & others

--Petitioners

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Karan Singh, Advocate for the petitioners.

Mr. Ashish Yadav, Addl.A.G., Haryana.

Mr. R.S. Budhwar, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

The instant petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.84 dated 14.5.2017 initially registered under section 364 I.P.C but subsequently challan having been submitted under sections 365, 323, 325, 120-B I.P.C, registered at Police Station, Radaur.

During the course of arguments it has gone uncontroverted that the petitioners presently are on regular bail.

Earlier in point of time while their bail application had been rejected by the J.M.I.C, Yamuna Nagar vide order dated 25.8.2017, an observation had been made that offence under sections 307, 201 and 367 I.P.C is attracted.

Even though, challan has been presented, yet, petitioners apprehend that at the stage of framing of charges, the offence would be enhanced and at that stage while the matter may be committed to the court of sessions, the petitioners would be taken into custody forthwith and as

such, would be denied the opportunity of availing of their remedy under section 438 Cr.P.C.

The matter is stated to be fixed before the J.M.I.C, Yamuna Nagar for 5.2.2018 for framing of charges.

In the light of such peculiar facts, it is directed that in the eventuality of offence being enhanced as opposed to the one mentioned in challan and the case being committed to the court of sessions, petitioners would have an interim protection as regards arrest for a period of one week so as to avail of their remedy of anticipatory bail before the competent court.

It is, however, clarified that in the eventuality of the petitioners seeking anticipatory bail in the light of the apprehension voiced in the present petition, such application would be dealt with by the competent court on merits.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.01.2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No