

S.No.284

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6757 of 2018 (O&M)

Date of Decision:04.12.2018

State of HaryanaPetitioner

Vs.

Surender SinghRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Karan Sharma, AAG, Haryana
for the petitioner.

Mr. Ferry Sofat, Advocate for the
respondent.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 437(5) of Cr.P.C against the order dated 24.08.2016 passed by learned Sessions Judge, Jhajjar in anticipatory bail application No.192 of 2016 in case FIR No.659 dated 29.07.2016 registered under Sections 420, 465, 468, 471 IPC at Police Station Jhajjar.

Counsel for the respondent submits that the challan has already been filed by the Police against the respondent. The respondent has been released on regular bail by the trial Court after filing of the challan. Therefore, it is submitted that the present petition under Section 437(5), as has been filed by the State, is not maintainable before this Court. The State should have approached the trial Court which had granted the regular bail, if the petitioner is again required for any other purposes of investigation. Counsel has relied upon the judgment of this Court in **2017(1) R.C.R. (Criminal) 600 – State of Punjab v. Lal Singh**, to support his contention.

On the other hand, counsel for the State, being instructed by Inspector Nar Singh, submits that when the challan was filed then the complete information and details regarding degrees, as has been allegedly, received/ got by the respondent, were not available with the Police. The challan was filed only on the basis of the information, as supplied by the authorities of the State of Sikkim/ authorities of University. Hence, it is contended that the State would be requiring the custody of the respondent for further investigation; and also to recover the alleged original degrees so as to file supplementary challan.

In view of the above, this Court finds that it would not be appropriate to keep the present petition pending before this Court. Accordingly, the present petition is disposed of.

However, the State is granted liberty to move to the appropriate Court under provisions of Section 437(5) Cr.P.C or any other appropriate provision, to seek custody of the respondent, if the need be.

December 04, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No