

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

**CRM-M-8797-2018  
Decided on: 06.03.2018**

**Gaurav Sharma**

**.... Petitioner**

**Versus**

**State of Haryana and another**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI**

Present:- Mr. H.P.S. Ghuman, Advocate,  
for the petitioner.

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**AUGUSTINE GEORGE MASI, J (ORAL)**

Petitioner has approached this Court challenging the order dated 16.02.2018 (Annexure P-2) passed by the Chief Judicial Magistrate, Narnaul vide which Lalit Kumar son of Brij Lal, who is an accused in FIR No.700 dated 26.12.2017 registered under Sections 406, 420, 120-B, 467, 468, 471 IPC, Police Station City Narnaul has been granted bail.

It is the contention of the counsel for the petitioner that the learned trial Court has wrongly proceeded to grant bail to respondent No.2. He contends that the offences for which respondent No.2-accused has been granted the bail was beyond the jurisdiction of the trial Court as under Section 467 IPC, the punishment is upto life imprisonment. Thus, he contends that the order granting bail to respondent No.2 cannot sustain and deserves to be set aside.

Having considered the submissions made by the counsel for the petitioner, who places reliance upon the judgments of the Supreme Court in G.S. Bansal vs. The Delhi Administration, 1963 AIR (SC) 1577, Devendra

vs. State of Uttar Pradesh 2009(3) SCC(Cri) 461, “Sushil Suri vs. CBI and another” 2011 AIR (SC) 1713, “Prithvi Raj vs. State of Punjab” 1998(3) R.C.R. (Criminal) 104, M.A. Waris vs. State of Chhattisgarh, 2009(1) Crimes 96 and “Prahlaad Singh vs. N.C.T., Delhi” 2001 AIR (SC) 1444, but do not find myself in agreement with the contention of the counsel for the petitioner. The impugned order as has been passed by the Chief Judicial Magistrate, Narnaul is in accordance with law and there is no violation thereof. The observations as has been made by the Chief Judicial Magistrate with regard to the jurisdictional aspect also cannot be faulted with at this stage and this Court also does not find anything to disagree or find itself in agreement with the observations and the conclusion as have been drawn in the impugned order by the Chief Judicial Magistrate, Narnaul. The judgment which has been relied upon by the learned counsel for the petitioner pertain to the contents and the definition of the offences. There can be no dispute with regard to the same and the law laid down therein, but keeping in view the facts and circumstances of the present case, it cannot be said that the order which is impugned herein, is without any basis or in any manner violative of any provisions of the statute. Concession of bail has been granted by the Chief Judicial Magistrate, Narnaul by the impugned order which cannot be faulted with.

It is not the case of the petitioner that any of the conditions imposed by the trial Court while granting bail has been violated by respondent No.2. No ground for cancellation of the order of bail granted by the Chief Judicial Magistrate, Narnaul is made out. It is, however, clarified that any observation made by the Chief Judicial Magistrate, Narnaul in the impugned order dated 16.02.2018 or by this Court in the present order shall

have no bearing on the investigation or the trial proceeding of the case.

Present petition being without merit stands dismissed.

06.03.2018

Dinesh

(AUGUSTINE GEORGE MASIH)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No