

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-5234 of 2019

Date of Decision: 04.02.2019

Surender and Another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. K.D.S.Hooda, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 355 dated 06.12.2014, registered under Section(s) 148, 149, 323, 325, 307, 341, 427, 452 & 506 IPC at Police Station Sadar Ballabgarh, District Faridabad.

Learned counsel for the petitioners contended that petitioners herein have been summoned as additional accused under Section 319 Cr.P.C. vide order dated 18.03.2016 (Annexure P3). More so, the order passed by the learned Additional Sessions Judge, Faridabad, whereby the petitioners were summoned under Section 319 Cr.P.C. was set aside by this Court vide order dated 29.08.2016 (Annexure P4) and, thereafter, the said order was set aside by the Hon'ble Apex Court vide order dated 03.01.2019 (Annexure P5).

On asking of the Court, Mr. Neeraj Poswal, Assistant Advocate General, Haryana accepts notice on behalf of respondent, whereas Mr. Gian Chand Shahpuri, Advocate, who is present in the Court, has put in appearance on behalf of the complainant and filed his power of attorney. A copy of paper-book be provided to them during the course of the day.

Learned counsel representing the respondent-State as well as the complainant contended that the order passed by this Court on 29.08.2016 (Annexure P4) has already been set aside and there is specific attribution of injuries to the petitioners; they were named in the FIR and as such there is no case for their release on pre-arrest bail.

Having considered the submissions made by learned counsel for the parties and the fact that petitioners have been summoned as additional accused under Section 319 Cr.P.C. vide order dated 18.03.2016 (Annexure P3), which was challenged before this Court and thereafter, before the Hon'ble Apex Court. However, it shall be the matter of trial only to hold the petitioners guilty or otherwise. At any rate, they are not required for any further investigation at this stage as the matter is pending before the learned trial Court and as such, present petition is accepted. The petitioners are ordered to be admitted to bail on the furnishing of their bail bonds and surety bonds to the satisfaction of the learned trial Court.

(Shekher Dhawan)
Judge

February 04, 2019
“DK”

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