

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

209

CRM-M-2569-2018 (O & M)
Date of Decision:13.05.2019

Surjan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Vipin Mahajan, Advocate for respondent No.2.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439(2) of the Code of Criminal Procedure for cancellation of regular bail granted to accused/respondent No.2 by learned Additional Sessions Court, Gurdaspur vide order dated 03.01.2018 (Annexure P-3) in case bearing FIR No.34 dated 12.07.2017, under Sections 302/452/326/324/323/148/149 IPC, registered at Police Station Dorangla, District Gurdaspur.

Learned counsel for the petitioner contends that injury caused by Sumit Kumar was not simple in nature as noticed by the learned trial Court and the same was punishable under Section 326 IPC. It is further pointed out that the offence punishable under Section 326 IPC was not mentioned in the bail application or in the order, therefore, the order of bail deserves to be quashed.

On the other hand, learned counsel for respondent No.2 has contended that subsequent to the grant of concession of bail, an application was moved to rectify the defect by adding Section 326 IPC. The Court vide order dated 13.08.2018 accepted that application by holding that the accused/applicant Sumit Kumar be treated on regular bail under Section 326 IPC also, along with other offences in which he was already granted bail, as the offence under Section 326 IPC is lesser to the main offence under Section 302 IPC. This fact is not disputed by the learned counsel for the petitioner.

At this stage, learned counsel for the petitioner fairly states that the concession granted by the Court below was never put to misuse by the accused Sumit Kumar.

In view of the above, no ground is made out for cancellation of bail.

Dismissed.

13.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No