

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

CRM-M No.27005 of 2019 (O&M)

Date of Decision: 09.07.2019

Vikas

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Virender Mandhan, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent.

Mr. G.S.Sandhu, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.418 dated 28.06.2018, under Sections 148, 149, 323, 324, 325, 427, 452, 307, 506 and 201 of the Indian Penal Code, 1860, registered at Police Station Gharaunda, District Karnal.

It has been pointed out by learned Counsel for the petitioner that this Court in CRM-M No.35199 of 2018 has already granted the concession of pre-arrest bail to the petitioner along with his co-accused on 17.09.2018 (P-2), but certain Sections were left out inadvertently and consequently, an application bearing CRM No.38498 of 2018 was moved for addition of those Sections.

It transpires that the aforesaid application, filed by the petitioner, was allowed by this Court vide order dated 25.03.2019 (P-5), but

inadvertently, the prayer was made by learned Counsel for the petitioner for withdrawal of the main petition i.e. CRM-M-35199-2018 (P-5). Thus, the withdrawal of the said petition, on behalf of the petitioner, was inadvertently and that has led to filing of the present petition.

The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Bahadur Singh.

Learned Counsel for the complainant has vehemently opposed the prayer of the petitioner on the ground that at the first instance, they deliberately concealed the factum of certain offences before this Court and pre-arrest bail was granted by this Court on 17.09.2018.

Be that as it may, the petition stands already allowed by this Court and even cancellation of the said order was also ordered to be withdrawn by the complainant. The factum of joining of the investigation by the petitioner is duly acknowledged by learned State Counsel, therefore, this Court deems it appropriate to allow the present petition.

Consequently, present petition is allowed subject to the conditions envisaged under Section 438(2) Cr.P.C.

July 09, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No