

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-28366-2019 (O&M)
Date of decision : 07.08.2019
Raj Kumar and another ...Petitioners

Versus

State of Haryana ...Respondent

2. CRM-M-30139-2019 (O&M)
Date of decision : 07.08.2019
Pardeep Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J. (ORAL)

By this common order, CRM-M-28366-2019 and CRM-M-30139-2019 shall stand disposed of.

On 08.07.2019, following order was passed by this Court in CRM-M-28366-2019 :-

“Learned counsel for the petitioners contends that the petitioners were arrested and released on regular bail. However, the offence under Section 307 of the Indian Penal Code has been added and the petitioners are sought to be arrested without seeking permission of the Court.

Notice of motion.

On asking of the Court, Mr. Vikramjit Singh, Addl. AG, Haryana, accepts notice on behalf of the State of Haryana. A copy of the paper book be handed over to learned State counsel during course of the day.

Adjourned to 07.08.2019.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2), Cr.P.C.”

Similar order was passed in CRM-M-30139-2019 on 18.07.2019

No reply has been filed.

Although, no one is present on behalf of the parties but in view of the recent judgment passed by Hon'ble the Supreme Court in the case of **Pradeep Ram Vs. State of Jharkhand and another, Criminal Appeal Nos.816-817 of 2019, decided on 01.07.2019**, once accused has been granted bail by the Court, merely on subsequent addition of offence(s) under different provision(s), an accused cannot be arrested without seeking permission of the Court which granted bail.

In view thereof, the interim protection granted by this Court dated 08.07.2019 in CRM-M-28366-2019 and dated 18.07.2019 in CRM-M-30139-2019 is made absolute. However, the Investigating Agency would be at liberty to move an application before the concerned Court seeking permission to arrest the petitioners on account of offence under Section 307 of IPC having been added while disclosing the justification of the requirement of custodial interrogation and the concerned Court shall take a call thereon in accordance with law.

In view of the above, both the petitions are allowed.

07.08.2019
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No