

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

Sr. No.125

CRM-M-53708-2019

DECIDED ON: December 16, 2019

SURENDER SINGH @ BILLA AND ANOTHER

..PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Preetinder S. Ahluwalia, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

Learned counsel for the petitioners submits that in a petition under Section 439 Cr.P.C., the trial Court had no jurisdiction to direct inclusion of Section 307 IPC in the FIR. The trial Court could have issued such directions only at the time of framing of charges.

2. Notice of motion.

3. Mr. Tanuj Sharma, AAG, Haryana, accepts the notice on behalf of the State-respondent. Let two copies of the paper book be supplied to him during the course of the day.

4. Mr. P.S. Sekhon, Advocate puts in appearance on behalf of the complainant and submits that the police has added Section 307 IPC later on, on its own volition and without any directions from the Court of Session. He, however, admits that the Sessions Court had no jurisdiction to pass directions for inclusion of Section 307 IPC in the FIR in a petition for grant of bail.

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5. Thus, the petition is allowed and the direction of the learned Sessions Judge, Fatehabad to include Section 307 IPC in the FIR is set aside. It is clarified that the direction in this order is restricted to the impugned order only.

December 16, 2019
Ankur

(SUDHIR MITTAL)
JUDGE

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