

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

**CRM-M No.41107 of 2020 (O&M)**

**Date of Decision : 18.12.2020**

Balwan Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. Arav Gupta, Advocate  
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana  
for the Respondent/State.

**SUDIP AHLUWALIA, J. (ORAL)**

**CRM No.29948 of 2020**

Allowed as prayed for.

**CRM-M No.41107 of 2020**

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.464, dated 28<sup>th</sup> November, 2019, registered under Sections 370, 406, 420, 506 of the Indian Penal Code, (Challan presented under Section 406/420 of the IPC and Sections 370, 384, 506 IPC and 24 of the Immigration Act added later), at Police Station Matlauda, District Panipat.

2. The Petitioner was initially arrested on 28<sup>th</sup> November, 2019, after which he was granted bail by Ld. Trial Court in consequence of which

he was released on 18<sup>th</sup> December, 2019. However by that time Final Report against him had already been submitted.

3. The Complainant nevertheless approached the Superior Police Authorities seeking arrest of co-accused Sohan Lal vide his Application dated 11<sup>th</sup> June, 2020 (Annexure P-6), after which fresh investigation was conducted and the Petitioner was re-arrested on 22<sup>nd</sup> August, 2020.

4. Contention of Ld. Counsel for the Petitioner in this regard is that such procedure is illegal inasmuch as no fresh investigation against him could not have been submitted without permission of the Court, after the earlier Final Report/Challan had already been filed against him.

5. Be that as it may, even after submission of the subsequent Challan, the legality of which would appear to be questionable, further detention of the Petitioner at this stage for an indefinite period is not called for, as he has already remained in the second phase of his custody for almost 4 months since 22<sup>nd</sup> August, 2020. As such, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court concerned.

6. Disposed off.

**December 18, 2020**  
**Dpr**

**(SUDIP AHLUWALIA)**  
**JUDGE**

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