

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

CRM-M-8371 of 2021(O&M)

Date of Decision: 23.11.2022

Ram Kumar & Ors.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Sanpreet Sandhu, Advocate
For the petitioners.**

Mr. Naveen Sheoran, DAG Haryana.

**Mr. G.C. Shahpuri, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 152 dated 20.04.2016, registered under Sections 148, 149, 323, 325 and 506 IPC at Police Station Indri, District Karnal, to which offence under Section 307 IPC was added lateron.

The counsel for the petitioners submits that in the present case after the registration of the FIR the petitioners were granted regular bail by the Court concerned for offences punishable under Sections 323, 325, 506, 148, 149 IPC. That after completion of investigation the police presented the challan and charges were framed and during trial prosecution examined four witnesses and after recording of medical evidence in January, 2020 an

application was filed by the complainant to commit the case to the Court of Sessions as a *prima facie* case under Section 307 IPC is made out against the petitioners and consequently the case was committed to the Court of Sessions and then charges under Section 307 IPC were also framed on 14.10.2021 and the petitioners are regularly appearing before the trial Court. So, prayer is made that the petitioners be granted anticipatory bail as they are apprehending their arrest under Section 307 IPC.

The present petition is contested by the State counsel as well as counsel for the complainant. However, the factual matrix as has been narrated by the counsel for the petitioners is not disputed by the State counsel and the counsel for the complainant.

I have considered the submissions made by counsel for the parties.

Initially FIR in this case was registered under Section 323, 325, 506, 148 and 149 IPC and the petitioners were granted regular bail. However, during trial offence under Section 307 IPC was added on the basis of the medical evidence and as such the petitioners apprehended their arrest and filed the present petition. Admittedly, after the addition of offence under Section 307 IPC fresh charges are framed and the petitioners are regularly appearing before the trial Court. The petitioners are not required by the police for custodial interrogation or for any other purpose.

In the light of the above, without commenting on the merits of the case the present petition is allowed and the trial Court is directed to admit the petitioners on bail under Section 307 IPC as well. The petitioners

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are directed to appear before the trial Court on each and every date of hearing.

23.11.2022
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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No