

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-33038-2022

Reserved on: 04.08.2022

Date of Pronouncement: 02.09.2022

Rajesh

...Petitioner (s)

Versus

State of Haryana & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Mr. Rajesh Khandelwal, Advocate
for the petitioner(s).

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

Seeking cancellation of bail granted by this Court vide order dated 28.6.2022, the complainant has come up before this Court.

A perusal of the petition reveals that the complainant seeks cancellation of bail on merits by describing the weapon of offence used in the crime. His further claim is that *prima facie* the offence is made out under Section 307 IPC and not under Section 326 IPC.

At the time of granting bail, the offence which was arraigned against the accused was only under Section 326 IPC and not 307 IPC.

Given above, the present petition is dismissed. However, it is clarified that in case, in the investigation, offence under Section 307 is found, then the accused shall have to apply for bail again on insertion of such section, if any. It is further clarified that the observations made in the paragraph no.24 of the bail order dated 28.6.2022 are recalled.

Needless to say that in case the petitioner does not comply with any of the terms and conditions of the bail order, then the State shall be at liberty to file

an application for cancellation of bail. It shall also be open for the complainant to file an application for cancellation of bail, if case of violation of such condition of the bail order. It is further clarified that disposal of the present petition shall not come in the way of the complainant while considering any such application filed by the complainant.

(ANOOP CHITKARA)
JUDGE

September 02, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.