

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

247

**CRM-M-42302 of 2019
Date of decision :21.03.2022**

Rajesh Mittal

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Munish Kumar Garg, Advocate, for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana with
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed under Section 482 Cr.P.C. For quashing of the order dated 17.09.2019 (Annexure P-7) passed by the Court of Additional Sessions Judge, Jind, whereby application dated 02.09.2019 (Annexure P-6) for correcting the name of the petitioner in the final Anticipatory Bail order dated 06.09.2018 (Annexure P-5) was dismissed.

Learned counsel for the petitioner *inter alia* contends that there were a total of 8 accused in the FIR. As per FIR one Rakesh S/o Sh. Jagdish Chander and petitioner -Rajesh Mittal son of Sat Narain had been arraigned as accused in the said FIR. He contends that application for bail had been filed on behalf of petitioner and the said application was allowed and the petitioner and co-accused were released on anticipatory bail vide order dated 06.09.2018

(Annexure P-5) passed by learned Additional Sessions Judge. Learned counsel
ANIL KUMAR
2022.03.23 10:22
I attest to the accuracy and
integrity of this document

submits that in the memo of parties to the said bail petition, even though the parentage of the accused Rakesh Kumar was correctly mentioned, however, the name of the petitioner which figured at Sr. No.4 was mentioned as Rakesh Mittal son of Sat Narain instead of Rajesh Mittal S/o Sat Narain. The parentage has been correctly mentioned in the said application. When the aforesaid anomaly was noticed, an application for correction was accordingly moved before the Court of Additional Sessions Judge, Jind, however, the said application was dismissed vide the impugned order stating that it was not a clerical mistake in the order and the same could not be corrected.

Learned counsel for the petitioner contends that the application for correction was not being sought in the order but in the memo of parties of the petition that was so filed.

Even otherwise, it is evident that accused Rakesh Kumar son of Jagdish Chander was already a party and the petitioner was Rajesh Mittal son of Sat Narian. Once the parentage has been correctly mentioned along with the surname, it is evident that the same was only a typographically mistake in the Memo of Parties as depicted in the petition.

It is further evident that the petitioner had been extended the concession of stay against arrest vide order dated 01.10.2019 passed by this Court.

Learned counsel appearing on behalf of State has not controverted the said factual aspect pointed out by the learned counsel for the petitioner.

In view of the above contentions noticed above, the instant

directed to be modified to the extent that the name of the petitioner No.4 in the Memo of Parties be read as Rajesh Mittal son of Sat Narain resident of DF-14/1, Sector-6, Mal Godown Road, Narwana instead of Rakesh Mittal son of Sat Narain. Further, the interim order dated 01.10.2019 passed by this Court is made absolute.

The instant petition is accordingly disposed of.

21.03.2022
anil

(VINOD S. BHARDWAJ)
JUDGE

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