

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1680-2023(O&M)
Date of Decision: 19.07.2023

Manjeet Singh and others

...Appellants

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mayank Sharma, Advocate and
Mr. Satender Kumar, Advocate, for the appellants.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-25896-2023

The instant application has been filed under Rule 3-A (1) Chapter VI, Part-B, Vol. V of the Punjab and Haryana High Court Rules and Orders for grant of leave to file the present petition.

Application is allowed, as prayed for.

CRA-S-1680-2023

On the last date of hearing i.e. 08.06.2023, the following order was passed by this Court:-

“The present appeal has been filed for grant of regular bail to the appellants in case FIR No. 169 dated 03.06.2021 under Sections 148, 149, 323, 325, 506, 307 of IPC and Section 3(2)(VA) of the SC/ST Act, registered at Police Station Bawani Khera, District Bhiwani, Haryana.

Learned counsel for the appellants submits that the appellants have been granted concession of bail initially vide orders dated 01.09.2021 (Annexure P-3), 08.09.2021 (Annexure P-4) and 21.09.2021 (Annexure P-6) and subsequent thereto, there has been no act on their part which demonstrates any violation of any conditions of bail.

However, learned trial Court vide order dated 08.05.2023 (Annexure P-7), allowed an application under Section 216 of Cr.P.C. and offence under Section 307 of IPC was added in the charges already framed. Subsequent thereupon, the appellants surrendered on 08.05.2023 and have been in custody since then.

Learned counsel for the appellants submits that the appellants are young boys in their early twenties and a village rivalry/brawl had taken place, which has now escalated by imposition of Section 307 of IPC. Nonetheless, appellants No.1, 2 and 4 are young boys in their twenties and there is no other case against them.

Learned State counsel submits that the charges have been altered after seeking report from the doctor, wherein it was reported that injury Nos.3 and 4 are dangerous to life and, therefore, Section 307 of IPC has been added. He further submits that the order dated 08.05.2023 has attained finality and has not been challenged before any Court of competent jurisdiction.

Learned counsel for the appellants also claims parity

and submits that while considering the bail granted to appellant No.4, the issue as to whether the injuries would be covered under Section 307 of IPC was duly considered. He submits that, in fact, the trial Court while granting bail to appellant No.4 had already considered the addition of Section 307 of IPC but still granted bail, and therefore, the said concession should have been extended after the order dated 08.05.2023.”

Learned State counsel has opposed the prayer made by learned counsel for the appellants on the ground that serious allegations have been levelled against the present appellants and do not deserve the concession of bail.

I have learned counsel for the parties and perused the record with their assistance.

Without commenting on the merits of the case, the present appeal is allowed and the appellants are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

19.07.2023
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(N.S.SHEKHAWAT)
JUDGE

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