

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

CRM-M-49103-2023 (O&M)

Date of decision: 16.11.2023

Charan Kamal Singh Wahi and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anant Bir Singh Sidhu, Advocate for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the order dated 16.11.2018 (Annexure P-9) passed by learned JMIC, Gurugram in FIR No.347 dated 15.11.2014 under Sections 406, 420, 120-B IPC, registered at Police Station DLF, Phase-1, District Gurugram, vide which regular bail was granted to respondent No.2.

Learned counsel for the petitioners submits that aforesaid bail order was passed by learned JMIC, Gurugram on 16.11.2018, which was based upon erroneous facts, since it is so stated in the order that the complainant has been paid the due amount and the matter was compromised, whereas it was factually incorrect because the statement of complainant of some other case was recorded. The findings of the aforesaid order were based upon erroneous facts, therefore, the bail is liable to be set aside.

However, after arguing the case for some time, learned counsel has now stated that since the bail was granted to respondent No.2 five years ago and trial of the case has progressed, he would not press the prayer for setting aside the aforesaid order on the ground that erroneous findings have been recorded in the bail order, but only a limited prayer may be considered to the extent that observation made in the aforesaid order dated 16.11.2018 may not have any effect on trial of the case and shall not be deemed to be any observation on merits of the case.

In view of limited prayer made by learned counsel for the petitioners, present petition is disposed of. It is directed that observation, which has been made in the order of bail dated 16.11.2018 (Annexure P-9), shall not be deemed to be an observation on merits of the case and aforesaid order dated 16.11.2018 shall be only for the purpose of deciding the bail application.

[JASGURPREET SINGH PURI]
JUDGE

16.11.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No