

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-5223-2024 (O&M)
Date of Decision: 05.02.2024

ROHIT KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashit Malik, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J.(ORAL)

1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.95 dated 04.03.2020 under Sections 467, 468 and 471 of IPC registered at Police Station Indri, District Karnal (already on anticipatory bail in the said case under Sections 419 and 420 IPC).

2. Learned counsel for the petitioner submits that inadvertently the offence under Section 468 is not mentioned in the head note and instead Section 467 of IPC has been mentioned twice, a prayer for correction in the head note to the extent that it may be read as the offence under Sections 467, 468 and 471 of IPC. The aforesaid prayer is allowed and registry is directed to do the necessary corrections.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has earlier approached this court by way of filing CRM-M-40240-2020 and he was granted anticipatory bail on 29.01.2021. Thereafter at the

time of filing of the final report under Section 173 Cr.P.C, it came to the knowledge of the petitioner that offence under Sections 467, 468 and 471 IPC were added. He further submits that in view of the addition of the Sections 467, 468 and 471 of IPC during the course of investigation, the petitioner apprehends that on his appearance before the learned trial Court he may be committed to custody. He further submits that as per settled law that once a petitioner is granted anticipatory bail in the FIR it will enure even if subsequently some other offences are added in the FIR.

4. Notice of motion.
5. On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.
6. Keeping in view the facts and circumstances of the case, this Court finds force in the arguments advanced by learned counsel for the petitioner. Accordingly, the present petition is allowed and the petitioner is directed to appear before the learned Trial Court within two weeks from today and on his doing so or in the event of his arrest, the petitioner shall be admitted to bail on furnishing of bail/surety bond to the satisfaction of the learned trial Court.
7. Disposed of.
8. Nothing observed hereinabove shall be construed as an expression of opinion of this Court on the merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

05.02.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

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