



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29948-2024

Date of decision : 19.06.2024

Shivam Kalia

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. to quash the order dated 31.05.2024 whereby the prayer of the petitioner to release him from custody in compliance with the order dated 20.05.2024 passed in CRM-M-23481-2024 by the Hon'ble High Court in FIR No.186 dated 31.12.2021 under Sections 307, 323, 324, 341 & 34 IPC registered at Police Station Division No.7, Jalandhar (to which offence under Section 302 IPC was added subsequently and offence under Section 201 IPC was mentioned in challan only) has been declined on the ground that there is no mention of Section 201 IPC although the same is not mentioned in the charge.

Learned counsel for the petitioner has submitted before this Court that the petitioner was granted bail by this Court vide order dated 20.05.2024. He submits that bail bonds were submitted, however, the petitioner till date has not been released from the custody on the ground that the challan was filed for the offence under Section 201 IPC. It is submitted that he filed an application before the Learned Additional Sessions Judge, praying for his release in pursuance to the order passed by this Court dated 20.05.2024, however, the same was declined on hyper-technical ground that the challan was presented under Section 201 IPC but the bail order did not include the same. He has drawn the attention of this Court to the charges framed by the trial Court where even



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after filing the challan under Section 201 IPC, no charge has been framed against the petitioner by the trial Court under Section 201 IPC. He submits that once the trial Court has not framed any charge under Section 201 IPC, there is no ground for not releasing the petitioner from the custody in pursuance to the order passed by this Court whereby the petitioner was granted bail.

Learned State counsel has fairly submitted that though the challan was filed under Section 201 IPC but no charge has been framed under Section 201 IPC by the trial Court.

On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner had already been granted bail by this Court vide order dated 20.05.2024 for the offence under Sections 307, 323, 324, 341, 302, 34 of IPC. The only ground taken for not releasing the petitioner from the custody is that the challan was filed under Section 201 IPC but as evident from the order passed by the trial Court, no charge has been framed for the offence under Section 201 IPC.

Keeping in view the fact that petitioner is in custody despite the order passed by this Court is totally unsustainable in the eyes of law. Hence, the State is directed to release the petitioner on bail forthwith, in pursuance to the order dated 20.05.2024 passed by this Court in accordance with law, if he is not required in any other case. Order dated 31.05.2024, declining release of the petitioner in view of order passed by this Court dated 20.05.2024, stands quashed.

Disposed of.

(RAJESH BHARDWAJ)
JUDGE

19.06.2024
ps-I

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